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TRIAL

OF

ARTHUR O'CONNOR, Esq. JAMES O'COIGLY,
JOHN BINNS, JOHN ALLEN, AND
JEREMIAH LEARY,

AT MAIDSTONE,

On MONDAY, MAY 21, 1798,

FOR

HIGH-TREASON.

TAKEN IN SHORT-HAND

BY

AN EMINENT ENGLISH BARRISTER.

C O R K :

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STATE TRIALS.

Maidstone, Wednesday April 11.

At half past 11 o'clock the Court was formed. Lord Romney, Mr. Justice Buller, and Mr. Justice Heath sat upon the Bench.

The list of the Grand Jurors being called over, the following Gentlemen answered to their names.

Sir Edward Knatchbull, Bart. *Foreman.*

Sir J. Gregory Shaw, bart.	F. Moteley Aueftn, Esq.
Sir William Geary, bart.	Edward Hussey, Esq.
Sir John Dixon Dyke, bart.	John Larkin, Esq.
Charles Townsend, Esq.	Thomas Brett, Esq.
Henry Oxenden, Esq.	Edward Peach, Esq.
William Hammond, Esq.	Henry Woodgate, Esq.
Nich. Bromel Toke, Esq.	Wm. F. Woodgate, Esq.
Lewis Cage, jun. Esq.	James Chadman, Esq.
Edward Austen, Esq.	George Smith, Esq.
George Grote, Esq.	G. T. Hatley Foote, Esq.
George Children, Esq.	

The Grand Jury being sworn, Mr. Justice Buller delivered to them a charge to the following effect :

Gentlemen of the Grand Jury,

“ **AS** we are convened, under a Commission which his Majesty has been pleased to direct, for special purposes, and not in the ordinary course of the administration of justice, it may naturally be expected that I should say something on the occasion of our assembling here. To enable me to do so, I have no guide but the commission which I bear: depositions are returned according to the universal practice of Courts of Justice in criminal proceedings: probably that has arisen from the circumstance of the Indictment for High Treason being now in the course of being prepared by the Officer of the Crown, and not before settled. In many cases, the returns may be very useful, because it is as material in Treason as it is in Felony, that the Court should see the depositions, to enable them the better to point out the grand features of the case, to present to your consideration the facts and circumstances that are most essential for you to apply your attention to, when you consider the effect and the hearing of the evidence.—At present, however, I know nothing of the circumstances of the matter that is to be laid before you, except that the offence charged to be enquired into is High Treason, and therefore I can only lay down the law upon that subject from the

best authorities, as they are to be found in our books, accompanied with a few observations, with a hope that some of them may be of use. If they should be applicable to the case that shall appear before you, they will be applied as they shall deserve to be, and if, in the course of the proceeding, any question should arise in your minds on which you desire information, you will be pleased to apply to us, and the Court will be ready to give you every assistance in its power.—Our inquiries, as appears by our Commission, are to be confined to high treason and mis-prison of treason. It was the happiness of this country for series of years, to be almost strangers to the crime of treason, until new principles and opinions were adopted in France, and which have unfortunately misled the minds of unthinking people, and which were broached by the discontented in this country, who have pursued some means which tend to the introduction of the same kind of anarchy and confusion which lately prevailed in France. Powerful as these opinions have been in France; and extensive as have been their influence, they cannot make way in the minds and affections of the steady and sober part of the people of this country: because our constitution shews us, that men may, live happy with us, if they please; and the law shews equal protection from the highest to the lowest, and to all the members of our community. In the present state of our Constitution and Government, we have nothing to fear from power and authority, for the Civil Magistrates can act only on the advice of others, and they are responsible for their conduct; and they cannot give any advice, but such as the law of the realm sanctions. We have full security for our freedom, for no law can be enacted which will not render every member of the legislature liable to its effect as well as the poorest subject in the realm; and the law, while it restrains vice, is also the security of virtue. There is not, in this country, one rule or measure of action for the rich, and another for the poor, both are equally governed by the law; rank, and fortune, and authority have with us no power to oppress the needy; and every crime which one man may commit towards another is prohibited, and the aggression is punished by the law. Every grievance which a man feels, every injury he sustains, is redressed and repaired by the law. It is in this system of human society that true and valuable equality consists. Difference of rank and station is the certain effect of such a system: men by superior talents and superior application excel their neighbours, and virtue itself would be left without one of its happiest incentives, if the prudent and industrious were put upon a footing with the dissipated and the idle. It may, perhaps, seem strange to some that a number of men should wish to adopt another form of Government, but it was the observation of a very wise man, ‘that he who goes and tells the people that they are not so well governed as they ought to be, will never want hearers.’ The reason for it is a very plain one; the secrets that belong to a government, the difficulties and perplexities of it are great, and

and almost innumerable; they are also, many of them at least inevitable, and the people at large have not sufficient judgment to consider duly of these things. Among these disadvantages that are inseparable from every State, much mischief may be done by designing men--much mischief has been done by dwelling on imperfections which are inseparable from every human system, and by imputing all the evils which happen to a State, to the general corruption of its ruler; by which artifice the people are taught that they ought, for their own safety, to take the government into their own hands. They would do well to consider, whether any change of government could serve them? They would do well to remember, that Government, even if Monarchy were no part of it, must, from the nature of the thing, soon fall *into the hands of a few*, and the condition of the mass of the people would not be in the least improved.

“ Under our present system, we see daily, that private individuals, by the due and diligent application of their talents, acquire large fortunes, and obtain the highest ranks and honours; of the truth of this, the instances are numerous in every department. But as no State ever did, or ever could satisfy all description of men, we have had, and we still have, those who are discontented. One man thinks his merits are neglected, and imputes the fault to the Government under which he lives, although in truth he may over-rate his value; others have brought themselves to indigence and embarrassment by their own imprudence, and conceive that a general change of things will better their condition: such a description of men look to anarchy and confusion as the chance of their relief. In the due administration of the law, and the regular course of government, they can hope for no advantage. They are in haste to better their condition; they therefore wish for that disorder in the State, by which they hope (but they vainly hope,) to obtain in a day, and on the sudden, that affluence and honor which is properly the reward only of a virtuous and a long life. Such men have existed, more or less numerously, at all times, and it has been the policy of the law of England to check and to thwart their views. To guard against such turbulent spirits, the common law, and also the statute, have made various provisions. The ancient description of High Treason was, by the law of the land, the errors of the heart in its disaffection to the Government; and the fault was shortly stated to be in the heart. But our ancestors said, most wisely, by a subsequent statute, that a man should not be convicted of that crime for intention only, and therefore they directed that there should be evidence of an Overt Act to manifest that intention; and that it should be charged in the indictment, which is to contain the specific Overt Acts. This was a wise and humane law, for by it the accused learns what it is he is to defend. In this exists the foundation of our law of Treason, as it has been understood for ages; by it our ancestors preserved to their posterity the safety of the realm, and the liberty of the subject; under it every man is safe who keeps himself

within the bounds of a defined law. On the 25th of Edward III. I presume it is enough for me to say, that it generally provides against two or three things. Encompassing the death of the King—Adhering to the King's enemies, Giving them comfort within the realm, or without it. I have also now to take notice of two modern statutes upon this subject, which either may, or may not be applicable to the subject which is to come before you. The one was passed in the 36th year of the present reign, entitled, "An Act for the Safety and Preservation of his Majesty's Person and Government against treasonable and seditious practices and attempts," by which it is enacted, that if any person, &c. shall, within the realm or without, compass, imagine, invent, devise, or intend death or destruction, maiming, wounding, imprisonment, or restraint of the King's person, his heirs and successors, or to deprive or depose him or them from the stile, honour, or kingly name of the Imperial Crown of his realm, or of any other of his Majesty's dominions or countries; or to levy war against his Majesty, his heirs and successors within this realm, in order by force or constraint to compel him or them to change his or their measures or councils, or in order to put any force or constraint upon, or to intimidate or overawe both Houses, or either House of Parliament; or to move or stir any foreigner or stranger with force to invade this realm, or any other his Majesty's dominions or countries under the obedience of his Majesty his heirs or successors; and such compassings, imaginations, inventions, devises or intentions, which they or any of them shall express, utter or declare, by publishing any printing or writing, or by any overt act or deed: being legally convicted thereof upon the oaths of two lawful and credible witnesses, &c. then every such person so as aforesaid offending shall be adjudged a Traitor, and shall be guilty of High Treason. Besides any immediate attack on the King's person, there are many other acts which have been holden to be proof of conspiring against the King; such as sending letters, meeting and consulting about the means to prove to the people that they ought to take the Government into their own hands. Any thing that necessarily endangers the person of the King, is an overt act of High Treason, and on this ground consulting with foreigners on the means to procure an invasion of the kingdom; going abroad for that purpose, or with that intention; the mere hiring or taking a boat to go to the enemy with intent to prevail on them to invade this country, have each of them been solemnly determined to be overt-acts of High-Treason. They have been so determined by the greatest Judges that ever sat in Westminster Hall, and by some who are much renowned for their attachment to the liberty of the liberty of the subject, of whom my Lord Holt was one, and who, we all know, bore a very considerable part in bringing about a revolution in this country. Adhering to the King's enemies is to be defined and proved by any act which tends to strengthen the enemies of the King, or to weaken his Lands. The lending money or intel-

intelligence with intent to be conveyed to the enemy, although neither such money nor such intelligence ever arrive into the hands of the enemy, is High Treason. The reason is plain—the party, in such case, has done all he could; his evil intentions are manifested by his actions, and the Treason is perfect, although the mischief never took effect. Another point to be observed is, that in Treason there are no accessaries; all are principals. The act of one person, in pursuance of the orders of another, provided the design be treasonable, is the act of all who are concerned in the intention; all, in such a case, are equally guilty.—Indictments for High Treason generally run into very considerable length, because, after stating the necessary forms of law, they state all the facts which are intended to be established by evidence as proof of the general intention.—These facts are called in law overt-acts; but although many such acts be charged in the indictments, and are not proved, yet if one of them, being material, be satisfactorily proved, that is sufficient to support the indictment. The Statute of the 33d year of the present reign is next to be taken notice of. It is an Act for more effectually preventing Traiterous Correspondence, or aid or assistance being given to his Majesty's enemies during the present war with France. By it is enacted, That, during the war, that if any person residing or being in Great Britain shall, knowingly and wilfully, on his own account or credit, or on the account or credit or by the direction of any other person or persons whomsoever, or wheresoever resident, buy, sell, supply, or deliver, or send for the purpose of being sold, supplied, or delivered, or shall, knowingly or wilfully, either on his own account, or on the account or credit, or by the direction of any other person or persons whomsoever, or wheresoever resident or being, cause or procure to be sold, supplied, or delivered; or send for the purpose of being sold, supplied, or delivered; or authorise or direct any other person or persons whomsoever, or wheresoever resident or being, to send, supply, or deliver, or to send for the purpose of being sold, supplied, or delivered; or shall, knowingly and wilfully, aid and assist in selling, supplying, or in authorising to sell, supply, &c. or to send for the purpose of being sold, supplied, &c. to or for the use of the persons now exercising the power of Government in France, or who may exercise the power of government in France during the present war, or for the use of any armies, troops, &c. possessed by such persons, &c. or for any person residing in France during such war, &c. or to any town, territory, port, or place, annexed to France, &c. or knowingly and wilfully, buy or procure, or aid and assist in buying and procuring any arms, ordnance, &c. or any article of food, fodder, cattle, &c. or shall send any note of the Bank of England, bill, or any gold and silver coin, &c. of this kingdom, or any other country; or any article of clothing, &c. without the licence of his Majesty, under his Sign Manual, or Order in Council, or Proclamation; such persons so sending, &c. shall be declared a traitor, and shall suffer death as in case
of

of high treason.—Such is the substance of these modern Acts, whether they be mere affirmants of the common law, or whether they state such acts to be Treason as were not such before these Statutes, is not a point necessary to be now discussed. The principle of the Bills is only following up that which has been often held to be treason, and as there might have been some doubts entertained by some, the Legislature acted wisely in making the law plain and clear to the meanest capacity. Gentlemen, I am not aware that there is any commitment for Misprision of Treason to come before you, and therefore I have not detained you with any observations upon that subject. If these few observations shall afford you any information or relief in the discharge of your duty, in the course of your enquiry, the end and object of them will be fully answered. If they do not, I hope you will think I have not occupied any inordinate portion of your time."

The Charge being given, the Grand Jury retired to the Upper Court, to consider the evidence that was laid before them.

The result of their proceedings was agreed should be sent to the apartments of the Judges, who left the Court about half past twelve at noon.

LIST OF WITNESSES.

John King, of Queen-street, Queen-square, Westminster, in the county of Middlesex, Esq. one of his Majesty's under secretaries of State.

William Wickham, of Duke-street, Westminster, in the county of Middlesex, Esq. one of his Majesty's under secretaries of State.

Richard Ford, of Sloan street, in the county of Middlesex, Esq. one of the Justices of the Peace, acting at the public office in Bow-street, Covent Garden, in the said county

Joseph White, of Essex-court, Middle Temple, London, and of Lincoln's Inn, in the county of Middlesex, Esq. Solicitor for the affairs of his Majesty's Treasury.

Henry Dealtry, of Essex-street, in the Strand, in the county of Middlesex, Clerk of the Rules on the Crown side of his Majesty's Court of King's Bench.

Hugh Bell of Charter-house square, in the county of Middlesex, Merchant.

James Wallis, of Charter-house square, aforesaid, servant to the said Hugh Bell.

James Morris, of Glass-house yard, Aldersgate-street, in the county of Middlesex, servant to the said Hugh Bell.

John Revett, of Drury-lane, in the county of Middlesex, Labourer, and one of the Constables belonging to the public office in Bow-street, Covent-Garden, in the said county.

Edward Fugion, of Bow-street, aforesaid, Shoe Maker, and one of the Constables belonging to the public office, in Bow-street, aforesaid.

John

- John Schaw of Eaton-street, Pimlico, in the county of Middlesex, one of his Majesty's Messengers in ordinary.
- Edward Lavender, of King's-row, Pimlico, in the county of Middlesex, Attorney at Law, and chief clerk of the public office, in Bow-street, Covent Garden, in the said county.
- Mathew Smith, of his Majesty's Tower of London, Major of the said Tower.
- David Kinghorn, Gent. Goaler of his Majesty's Tower of London, abiding there.
- John Hancock, of Chichester Rents, in the Liberty of the Rolls, in the county of Middlesex, Gentleman, and Clerk to the said Joseph White, Solicitor for the affairs of his Majesty's Treasury.
- Robert Farquharson, of Brunswick-street, Blackfriars, London, Gardener and Letter Carrier.
- Thomas Clio Rickman, of Upper Mary-le bone-street, in the county of Middlesex, Bookseller.
- Thomas Stucky, of Duke-street, Bloomsbury, in the county of Middlesex, Taylor.
- John Richardson, of Somer's-street, Cold Bath Fields, in the county of Middlesex, Stay-Maker and watchman.
- John Jones of Lincoln's Inn, in the county of Middlesex, Gent. Clerk to Mess. Sidebottom and Cook, of the same place, Attornies at Law.
- John Anthony Hodgson, of Aldermanbury, London, Gent. and Clerk to the said Joseph White, Solicitor for the affairs of his Majesty's Treasury.
- John Rothery, of Furnival's Inn Cellar, Holborn, London, Victualler.
- George Haydon, of Furnival's Inn Cellar, aforesaid, servant to the said John Rothery.
- Rebecca Henderson, of Furnival's Inn Cellar, aforesaid, servant to the said John Rothery.
- Samuel Smith, of Temple lane, Whitefriars, London, Printer.
- Elizabeth Smith of Temple-lane aforesaid, wife of said Smith.
- Thomas Evans of Plough-court Fetter-lane, London, Colourer of Prints.
- Juliet Evans, wife of ditto.
- Mary Basset, of Leather-lane, Holborn, London, wife of Wm. Basset, Wire-drawer.
- Sir Francis Burdett, of Foremark, in the county of Derby, and of Brighton-street, Piccadilly, Middlesex, Baronet.
- John Floud, of the Inner Temple, Esq. one of the Justices of the Peace acting at the Police Office, Worship-street, Shoreditch, county of Middlesex.
- David Affeter, of Gravesend, in the county of Kent, Stone Mason.
- Henry Thomsett, of Offham, in the county of Kent, Labourer.
- William Twopenny, of saint Margaret, Rochester, in the county of Kent, Gent. Attorney at Law.

- Roger Man, of Rochester, county of Kent, Driver of the Rochester Coach.
- John Claris, of St. George's-street, in the City of Canterbury, Book-seller.
- Kean Mahony, of Burgate street, in the City of Canterbury, Fruiterer.
- Nicholas Cloke, of Sun-street, in the city of Canterbury, Inkeeper.
- Mary Lemon, of Sun-street, aforesaid, servant to the said Nicholas Cloke.
- William Kitchengam, of Whistable, in the county of Kent, Victualler.
- John Foreman, of Whistable aforesaid, Mariner.
- Edward Appleton, of Whistable aforesaid, Mariner.
- Richard Smith, of Whistable aforesaid, Mariner and Hoyman.
- Jonas King, of Whistable, aforesaid, Officer of the Customs.
- Stephen Perkins, of Whistable, aforesaid, Victualler.
- Rachael Perkins, of Whistable, aforesaid, wife of S. Perkins.
- John Dyason, of Whistable, aforesaid, servant of Stephen Perkins.
- Mary Sanders, of Whistable aforesaid, wife of John Sanders, of Whistable aforesaid, Farmer and Brewer.
- John Sanders, jun. of Whistable aforesaid, Miller.
- Henry Parker, of Whistable aforesaid, Mariner.
- Nathaniel Bragg, of Whistable aforesaid, do.
- Thomas Hocklefs, of Whistable aforesaid, do.
- Thomas Norris, of Herne-Bay, in the parish of Herne, county of Kent, Victualler.
- Robert Campbell, of Deal, in the county of Kent, Pilot.
- Martha Campbell, of Deal aforesaid, wife of the said Robert Campbell.
- William Ralph, of Deal, aforesaid, Cornchandler.
- Robert Lockyer, of Deal, aforesaid Labourer.
- James Elliot, of Deal, aforesaid, Inkeeper.
- William Jones, of Deal, aforesaid, servant to said James Elliot.
- Launcelot Hayman, of Deal, aforesaid, Upholsterer.
- Thomas Barham of Deal, aforesaid, Gent.
- Jeremiah Mowle, of Deal, aforesaid, Pilot.
- Mary White, of Deal, aforesaid, Widow, Victualler.
- William Yeats of Deal, aforesaid, Mariner.
- Ann Crickett, of the High street, in Margate, county of Kent, single woman, Victualler.
- Jane Dexter, of the High street, in Margate, aforesaid, widow, servant, to the said Ann Crickett.
- Wm. Kerby, of Margate aforesaid, stable keeper.
- Vincent Whatley, of Margate aforesaid, fisherman.
- Daniel Valder, of Margate, aforesaid, Officer of the customs.
- Ollier Carlton, of Frederick's-street, in the City of Dublin, in the Kingdom of Ireland, Esq. chief constable of Dublin.
- Henry Maryon, of Bride-street, in the city of Dublin, aforesaid, one of his Majesty's messengers in Ireland.

- John Jackson, of the city of Dublin aforesaid, cloth merchant.
 Charles M'Fillan, of Ballinuligan, near Magherafelt, in the county of Derry, in the Kingdom of Ireland.
 Rowley Georges-hill, of Londonderry, in the Kingdom of Ireland, collector of the customs and excise there.
 Abraham Abbott, of the city of Cork, in the Kingdom of Ireland, Attorney at Law.
 Wm. Lane, of the city of Cork, aforesaid, Attorney at Law.
 ——— Woods, of Dundalk, in the co. of Down, in the kingdom of Ireland, officer of excise.
 Denis Fitzpatrick, of Dundalk, aforesaid, keeper of the gaol there.
 John Grant, of Weston-lane, Manchester, in the co. of Lancaster, shoemaker.
 Robert Gray, of Blacklees-street, Ancoats-lane, in Manchester aforesaid, manufacturer and dealer.
 Isaac Perrens, of Lath-street, in Manchester, aforesaid, engineer and victualler.
 Mary Perrens, of the same place, wife of the said Isaac Perrens.
 Wm. Cheetham, of Henry-street, Ancoats-lane, in Manchester aforesaid, cotton manufacturer and shopkeeper.
 Moses Fry, of Church-street, in Manchester, aforesaid, tailor.
 Thomas Towell, of Back-lane, Angel Meadow, in Manchester aforesaid, manufacturer.
 Nathaniel Milne, of King-street, in Manchester aforesaid, Attorney at Law.
 Thomas Butterworth Bayley, of the Hope, near Manchester aforesaid, Esq. and one of the Justices of the Peace for the said co. of Lancaster.
 Robt. Anderson, of Manchester aforesaid, tailor.
 David Davies, of St. James's street, within the liberty of Westminster, in the co. of Middlesex, hatter.
 Oswald Strong, of James's-street aforesaid, hatter, foreman to Mess. Mouys and Davies, hatters.
 John Newcomb, of Pall Mall, within the liberty of Westminster, in the co. of Middlesex, boot and shoemaker.
 John White, of St. Alban's-street, in the co. of Middlesex, breeches-maker.
 Ben. Hall, of Down-street, Piccadilly, in the co. of Middlesex, saddler.
 Fred. Dutton, late of the town of Newry, in the co. of Down, in the kingdom of Ireland, publican, but now a quarter-master of the corps of drivers attached to the Royal Irish Artillery quartered in Athlone in the kingdom of Ireland, aforesaid.
 Thos. Watson, of Maidstone, in the co. of Kent, keeper of his Majesty's goal for the said co. at Maidstone aforesaid.
 John Wixon, of Maidstone aforesaid, servant to the said Thos. Watson, and a turnkey in the said goal.

George Barr, of Maidstone aforesaid, Attorney at Law, and town clerk of Maidstone aforesaid.

Alexander Parkinson, of Union-street, in Manchester aforesaid, pattern drawer and headal knitter.

Henry Wm. Brook, of Jermyn-street, in the county of Middlesex, Esq.

James Reeves, Clerk of the Public Office, in Bow-street, Covent Garden, in the co. of Middlesex.

John Stafford, of Bell's buildings, Salisbury-square, Fleet-street, London, clerk to Jerome Wm. Knappe, of Brick-court, in the Middle Temple, London, Esq.

John Gale Jones, of Charles-street, Covent Garden, in the co. of Middlesex, surgeon, abiding in the house of Mr. Romer, in the same street.

COPY OF THE INDICTMENT.

The King v. Arthur O'Connor, Esq. James O'Coigly, John Binns, John Allen, and Jeremiah Leary, for High Treason.

KENT,) BE IT REMEMBERED, That, at a special Session of Oyer
to wit.) and Terminer, and Gaol Delivery, holden at Maidstone,
— in and for the County of Kent, on Tuesday, the 10th day
of April, in the thirty-eighth year of the Reign of our Sovereign
Lord George the Third, King of Great Britain, and so forth, before
the Honourable Sir Francis Buller, Baronet, one of the Justices of
our said Lord the King, of his Court of Common Pleas, the
Honourable John Heath, Esq. one other of the Justices of our said
Lord the King, of his Court of Common Pleas, and others, their
fellows, Justices and Commissioners of our said Lord the King, as-
signed by letters patent of our said Lord the King, under the Great
Seal of Great Britain—It is presented in manner and form as fol-
loweth: that is to say:

KENT, (to wit)---The Jurors for our Lord the King, upon
their oath present, That long before and at the several times here-
inafter mentioned, the persons exercising the powers of Govern-
ment in France, and the men of France under the government of
the said persons, were open and public enemies of our said Lord
the King, to wit, at Margate, in the county of Kent; and that
James O'Coigly, late of Margate, in the county of Kent, labour-
er, otherwise called James Quigley, late of the same place, la-
bourer, otherwise called James John Fivey, late of the same place,
labourer, Arthur O'Connor, late of the same place, Esq. John
Binns, late of the same place, labourer, John Allen, late of the
same place, labourer, and Jeremiah Leary, late of the same place,
labourer, being subjects of our said Lord the King, and well
knowing the premises, but not having the fear of God in their
hearts, nor weighing the duty of their allegiance, and being moved
and

and seduced by the instigation of the Devil, as false traitors against our said Lord the King, and wholly withdrawing the love, obedience, fidelity, and allegiance which every true and faithful subject of our said Lord the King should and of right ought to bear towards our said Lord the King, on the 27th day of February, in the thirty-eighth year of the reign of our said Sovereign Lord George the Third, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c. and on divers other days and times, as well before as after, with force and arms, at Margate, in the county of Kent, maliciously and traitorously did, amongst themselves, and together with divers other false traitors whose names are to the said Jurors unknown, conspire, compass, imagine and intend to bring and put our said Lord the King to death. And, to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassing and imagination aforesaid, they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, with force and arms, on the twenty-seventh day of February, in the thirty-eighth year of the reign aforesaid, and on divers other days and times as well before as after, at Margate, in the county of Kent, maliciously and traitorously did assemble, meet, conspire, consult, and agree amongst themselves, and together with divers other false traitors whose names are to the said Jurors unknown, to stir up, raise, and make rebellion and war against our said Lord the King within this kingdom, and to incite, encourage, move, and persuade the said enemies of our said Lord the King to make, and cause to be made an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this kingdom--- And further, to fulfil, perfect, and bring to perfection their most evil and wicked treason, and treasonable compassing and imagination aforesaid, they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, with force and arms, on the twenty-seventh day of February, in the twenty-eighth year of the reign aforesaid, at Margate, in the county of Kent, maliciously and traitorously did procure and obtain, and in their custody and possession conceal and keep a certain paper-writing, therefore composed and prepared, to signify and represent, and cause to be signified and represented, to the aforesaid enemies of our said Lord the King, that divers of the subjects of our said Lord the King should make, an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this Kingdom; and also containing information and intelligence of and concerning the supposed dispositions of divers of the subjects of our said Lord the King towards our said Lord the King and his

Government, and of and concerning the revenue of our said Lord the King, and the means used to raise and increase the same, and the supposed failure of such means, with intent that they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might unlawfully and traitorously carry and convey, and cause to be carried and conveyed, the said paper-writing to parts beyond the seas, to be delivered to certain persons of the said enemies of our said Lord the King, such persons being called, in the said paper-writing, the Executive Directory of France; and might thereby incite, encourage, and procure the said enemies of our said Lord the King to make, and cause to be made an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this Kingdom--- And further, to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassing and imagination aforesaid, they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, on the twenty-seventh day of February, in the thirty-eighth year of the reign aforesaid, with force and arms, at Margate, in the county of Kent, maliciously and traitorously did treat and bargain, and cause and procure a treaty and bargain to be had and made, with one Thomas Norris and one John Foreman, concerning and for the hire of a vessel; and did then and there, by such treaty and bargain, and by a promise of money, endeavour to obtain and hire a vessel to sail and go from this kingdom unto and into parts beyond the seas, in order that they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might be conveyed and carried in such vessel from this kingdom unto and into parts beyond the seas, give advice, information, comfort, aid and assistance to the said enemies of our said Lord the King, and incite, encourage, persuade and procure the said enemies of our said Lord the King to make, and cause to be made, an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this kingdom; and might, for the purpose of such incitement, encouragement, persuasion and procurement as last aforesaid, deliver, and cause to be delivered, the said paper-writing to certain persons of the aforesaid enemies of our said Lord the King, such persons being called, in the said paper-writing, the Executive Directory of France. AND FURTHER, to fulfil, perfect and bring to effect their most evil and wicked treason, and treasonable compassing and imagination aforesaid, they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid,

aforesaid, on the twenty seventh day of February, in the thirty-
 eighth year of the reign aforesaid, with force and arms at Margate,
 in the county of Kent, maliciously and traitorously did make a pro-
 posal to and treat with, and cause and procure a proposal to and
 treat with, and cause and procure a proposal and treaty to be
 made and had to and with one Robert Campbell concerning and
 for the hire of a certain other vessel; and did then and there, by
 such proposal and treaty, endeavour to obtain and hire a vessel as
 last aforesaid, to sail and go from this kingdom unto and into parts
 beyond the seas, in order that they, the said James O'Coigly,
 otherwise called James Quigley, otherwise called James John Fi-
 vey, Arthur O'Connor, John Binns, and Jeremiah Leary, might
 be carried and conveyed in the said last-mentioned vessel, from this
 kingdom unto and into parts beyond the seas; and might in parts
 beyond the seas give advice, information, comfort, aid and assist-
 ance to the said enemies of our said Lord the King, and make,
 encourage, persuade, and procure the said enemies of our said
 Lord the King to make, and cause to be made, an hostile invasion
 of this kingdom with ships and armed men to prosecute and wage
 war against our said Lord the King within this kingdom; and
 might, for the purpose of such incitement, encouragement, per-
 suasion and procurement as last aforesaid, deliver, and cause to
 be delivered, the said paper-writing to certain persons of the afore-
 said enemies of our said Lord the King, such persons being called,
 in the said paper-writing, the Executive Directory of France.—
 And further, to fulfil, perfect and bring to effect their most evil
 and wicked treason, and treasonable compassing and imagination
 aforesaid, they, the said James O'Coigly, otherwise called James
 Quigley, otherwise called James John Fivey, Arthur O'Connor,
 John Binns, John Allen, and Jeremiah Leary, as such false trai-
 tors as aforesaid, on the 27th day of February, in the thirty-eighth
 year of the reign aforesaid, with force and arms, at Margate, in the
 county of Kent, maliciously and traitorously did make a proposal,
 and cause and procure a proposal to be made, to one Jeremiah
 Mowle, concerning and for hire of a certain other vessel; and did
 then and there, by such proposal, endeavour to obtain and hire
 such vessel as last aforesaid, to sail and go from this kingdom unto
 and into parts beyond the seas; in order that they, the said James
 O'Coigly, otherwise called James Quigley, otherwise called James
 John Fivey, Arthur O'Connor, John Binns, John Allen, Jeremiah
 Leary, might be carried and conveyed in the said vessel unto and in-
 to parts beyond the seas; and might, in parts beyond the seas,
 give advice, information, comfort, aid and assistance to the said ene-
 mies of our said Lord the King to make, and cause to be made, an
 hostile invasion of this kingdom with ships and armed men, to pro-
 secute and wage war against our said Lord the King within this
 kingdom; and might, for the purpose of such incitement, encour-
 agement, persuasion and procurement as last aforesaid, deliver,

and

and cause to be delivered, the said paper-writing to certain persons of the aforesaid enemies of our said Lord the King, such persons being called in the said paper-writing the Executive Directory of France.—And further, to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassing and imagination aforesaid, they, the said James O'Coigley, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, on the 27th day of February, in the thirty-eighth year of the reign aforesaid, with force and arms, at Margate, in the county of Kent, maliciously and traitorously did meet and assemble themselves together, having the said paper-writing secretly and traitorously in their custody and possession, in order to consult upon, devise, contrive, discover and settle the means of going and passing, and in order to go and pass, from and out of this kingdom unto and into parts beyond the seas; with intent that they, the said James O'Coigley, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might, in parts beyond the seas, give advice, information, comfort, aid and assistance to the said enemies of our said Lord the King, and incite, encourage, persuade and procure the said enemies of our said Lord the King to make, and cause to be made, an hostile invasion of this kingdom with ships and armed men, and prosecute and wage war against our said Lord the King, within this kingdom; and might, for the purpose of such incitement, encouragement, persuasion and procurement, as last aforesaid, deliver, and cause to be delivered, the said paper writing to certain persons of the aforesaid enemies of our said Lord the King, such persons being called in the said paper-writing, the Executive Directory of France. And further, to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassing and imagination aforesaid, they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, on the 27th day of February, in the thirty-eighth year of the reign aforesaid, with force and arms, at Margate, in the county of Kent, maliciously and traitorously did repair and go to a certain house, situate at Margate aforesaid, in the said county of Kent, called the King's Head, in order to discover, procure and provide the means of going and passing, and in order to go and pass, from and out of this kingdom unto and into parts beyond the seas, with intent that they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen and Jeremiah Leary, might in parts beyond the seas, give advice, information, comfort, aid and assistance to the said enemies of our said Lord the King, and incite, encourage, persuade and procure the said enemies of our said Lord the King to make,

make, and cause to be made, an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this kingdom, in contempt of our said Lord the King and his laws, to the evil example of all others in the like case offending, contrary to the duty of the allegiance of them, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, and Jeremiah Leary, against the form of the statute in such case made and provided, and against the peace of our said Lord the King, his Crown and Dignity. And the Jurors aforesaid, upon their oath aforesaid, do further present, that the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, being subjects of our said Lord the King as aforesaid, as false traitors against our said Lord the King, during the said war, to wit, on the 27th day of February, in the 38th year of the Reign aforesaid, and on divers other days and times, as well before as after, with force and arms, at Margate, in the county of Kent, unlawfully and traitorously were adhering to and aiding and comforting the aforesaid enemies of our said Lord the King; and, in pursuance, performance, and execution of their treason and treasonable adhering aforesaid, they the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, with force and arms on the 27th day of February, in the 38th year of the Reign aforesaid, and on divers other days and times, as well before as after, at Margate in the county of Kent, maliciously and traitorously did assemble, meet, conspire, consult and agree amongst themselves, and together with divers other false traitors, whose names are to the said Jurors unknown, to stir up, raise and make rebellion and war against our said Lord the King within this kingdom, and to incite, encourage, move and persuade the said enemies of our said Lord the King to make and cause to be made an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this kingdom. And in further pursuance, performance and execution of their treason and treasonable adhering as aforesaid, they the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, with force and arms, on the 27th day of February, in the 38th year of the reign aforesaid, at Margate, in the county of Kent, maliciously and traitorously did procure and obtain, and in their custody and possession conceal and keep a certain paper-writing therefore composed and prepared, to signify and represent, and cause to be signified and represented to the aforesaid enemies of our said Lord the King, that divers of the subjects of our said Lord the King, in case the said enemies

enemies of our said Lord the King should make or cause to be made an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King, within this kingdom; and containing incitements, encouragements and persuasions to incite, encourage, persuade and procure the said enemies of our said Lord the King to make, and cause to be made such invasion as aforesaid, to prosecute and wage war against our said Lord the King within this kingdom; and also containing information and intelligence of and concerning the supposed dispositions of divers of the subjects of our said Lord the King towards our said Lord the King and his Government, and of and concerning the revenue of our said Lord the King, and the means used to raise and increase the same, and the supposed failure of such means; with intent that they, the said James O'Coigley, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might unlawfully and traitorously carry and convey, and cause to be carried and conveyed, the said last-mentioned paper-writing to parts beyond the seas, to be delivered to certain persons of the said enemies of our said Lord the King, such persons being called in the said last-mentioned paper writing, the Executive Directory of France; and might thereby incite, encourage, persuade and procure the said enemies of our said Lord the King to make and cause to be made, an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this kingdom.—And in further pursuance, performance and execution of their treason and treasonable adhering aforesaid, they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, on the 27th day of February, in the thirty-eighth year of the reign aforesaid, with force and arms, at Margate, in the county of Kent, maliciously and traitorously did treat and bargain, and cause and procure a treaty and bargain to be had and made, with one Thomas Norris, and one John Foreman, concerning and for the hire of a vessel; and did then and there, by such treaty and bargain, and by the promise of money, endeavour to obtain and hire a vessel to sail and go from this kingdom unto and into parts beyond the seas, in order that they the said James O'Coigley, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might be conveyed and carried in such vessel from this kingdom unto and into parts beyond the seas; and might, in parts beyond the seas, give advice, information, comfort and assistance to the said enemies of our said Lord the King, to make, and cause to be made, an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this kingdom; and might, for the purpose of

of such incitement, encouragement, persuasion and procurement as last aforesaid, deliver, and cause to be delivered, the said last mentioned paper-writing to certain persons of the aforesaid enemies of our said Lord the King, such persons being called, in the said last mentioned paper-writing, the Executive Directory of France. And in further pursuance, performance and execution of their treason, and treasonable adhering aforesaid, they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, on the twenty-seventh day of February, in the thirty-eighth year of the reign aforesaid, with force and arms, at Margate, in the county of Kent, maliciously and traitorously did make a proposal to aid and treat with, and cause and procure a proposal and treaty to be made and had to and with one Robert Campbell, concerning and for the hire of a certain other vessel; and did then and there, by such proposal and treaty, endeavour to obtain and hire such vessel as last aforesaid, to sail and go from this kingdom unto and into parts beyond the seas, in order that they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might be carried and conveyed in the said last-mentioned vessel from this kingdom unto and into parts beyond the seas, and might in parts beyond the seas give advice, information, comfort, aid and assistance to the said enemies of our said Lord the King, and incite and encourage, persuade and procure the said enemies of our said Lord the King to make, and cause to be made, an hostile invasion of this Kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this Kingdom, and might, for the purpose of such incitement, encouragement, persuasion and procurement as last aforesaid, deliver, and cause to be delivered, the said last-mentioned paper-writing to certain persons of the aforesaid enemies of our said Lord the King, such persons being called, in the said last-mentioned paper-writing, the Executive Directory of France.—And in further pursuance, performance, and execution of their treason, and treasonable adhering aforesaid, they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, on the twenty-seventh day of February, in the thirty-eighth year of the reign aforesaid, with force and arms, at Margate, in the county of Kent, maliciously and traitorously did make a proposal, and cause and procure a proposal to be made, to one Jeremiah Mowle, concerning and for the hire of a certain other vessel, and did then and there, by such proposal, endeavour to obtain and hire such vessel as last aforesaid, to sail and go from this Kingdom unto and into parts beyond the seas, in order that they, the said James O'Coigly, otherwise called James Quigley, other-

wife called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might be carried and conveyed, in the said last-mentioned vessel, from this Kingdom, unto and into parts beyond the seas; and might, in parts beyond the seas, give advice, information, comfort, aid and assistance, to the enemies of our said Lord the King, and incite, encourage, persuade, and procure the said enemies of our said Lord the King to make, and cause to be made, an hostile invasion of this Kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this Kingdom, and might, for the purpose of such incitement, encouragement, persuasion, and procurement as last aforesaid, deliver, and cause to be delivered, the said last-mentioned paper-writing, to certain persons of the aforesaid enemies of our said Lord the King, such persons being called, in the said last-mentioned paper-writing, the Executive Directory of France.—And in further pursuance, performance, and execution of their treason, and treasonable adhering aforesaid, they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, on the twenty-seventh day of February, in the thirty-eight year of the reign aforesaid, with force and arms, at Margate aforesaid, in the county of Kent, maliciously and traitorously did meet and assemble themselves together, having the said last-mentioned paper-writing secretly and traitorously in their custody and possession in order to consult upon, devise, contrive, discover, and settle the means of going and passing, and in order to go and pass, from and out of this kingdom unto and into parts beyond the seas; with intent that they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might, in parts beyond the seas, give advice, information, comfort, aid, and assistance to the said enemies of our said Lord the King to make and cause to be made, an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this kingdom, and might for the purpose of such incitement, encouragement, persuasion, and procurement as last aforesaid, deliver and cause to be delivered the said last-mentioned paper-writing to certain persons of the aforesaid enemies of our said Lord the King, such persons being called, in the said last-mentioned paper-writing, the Executive Directory of France.—And in further pursuance, performance, and execution of their treason and treasonable adhering aforesaid, they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, on the twenty-seventh day of February, in the thirty-eighth year of the reign aforesaid, with force and arms at Margate, in the county of Kent, maliciously and traitorously did repair and go to a certain house situate at Margate

gate aforesaid, in the said county of Kent, called the King's Head, in order to discover, prosecute and provide means of going and passing, and in order to go and pass, from and out of this kingdom unto and into parts beyond the seas; with intent that they, the said James O'Coigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might, in parts beyond the seas; give advice, information, comfort, aid, and assistance to the said enemies of our said Lord the King, and incite, encourage, persuade and procure the said enemies of our said Lord the King to make and cause to be made, an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said lord the King within this kingdom, in contempt of our said Lord the king and his laws to the evil example of all others in the like case offending, contrary to the duty of the allegiance of them the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, against the form of the Statute in such case made and provided, and against the Peace of our said Lord the king, his crown and dignity. And the Jurors aforesaid upon their oath aforesaid, do further present, That the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, and Jeremiah Leary, being subjects of our said Lord the King, as aforesaid, as false traitors against our said Lord the King, after the 19th day of December, which was in the year of our Lord 1798, to wit on the 27th day of February, in the 38th year of the reign aforesaid, and on divers other days and times, as well before as after the said last-mentioned day, with force and arms within this realm, to wit, at Margate, in the county of Kent, maliciously and traitorously, did compass, imagine, invent, devise, and intend to move and stir certain foreigners and strangers, that is to say, the aforesaid persons exercising the powers of Government in France, and the men in France under the Government of the said persons, with force to invade this realm. And the same last-mentioned compassings, imaginations, inventions, devices, and intentions, did then and there express, utter and declare, by divers overt acts and deeds, hereinafter-mentioned; that is to say, in order to fulfil, perfect, and bring to effect their most evil and wicked treason and treasonable compassings, imaginations, inventions, devices, and intentions last-mentioned, they the said James O'Coigley, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, with force and arms, on the 27th day of February, in the 38th year of the Reign aforesaid, and on divers other days and times, as well before as after, at Margate, in the county of Kent, maliciously and traitorously did assemble, meet, conspire, consult and agree among themselves, and together with divers other false traitors, whose names are to the said Jurors unknown, to incite, encourage, move, and persuade the said foreigners

and strangers to make and cause to be made, an hostile invasion of this Kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this Kingdom: And Further, to fulfil, perfect, and bring to effect their most evil and wicked treason and treasonable compassings, imaginations, inventions, devices, and intentions last aforesaid, they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, with force and arms, on the 27th day of February, in the 38th year of the reign aforesaid, at Margate, in the county of Kent, maliciously and traitorously did procure and obtain, and in their custody and possession conceal and keep, a certain paper writing, theretofore composed and prepared, to signify and represent, and cause to be signified and represented, to the aforesaid foreigners and strangers, that divers of the subjects subjects of our said Lord the King were ready to assist the said foreigners and strangers, in case the said foreigners and strangers should make or cause to be made, an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this kingdom; and containing incitements, encouragements, and persuasions to incite, persuade, and procure the said foreigners or strangers to make and cause to be made such invasion as aforesaid, to prosecute and wage war against our said Lord the King within this kingdom; and also containing information and intelligence of and concerning the supposed disposition of divers of the subjects of our said Lord the King and his Government, and of and concerning the Revenue of our said Lord the King, and the means used to raise and increase the same, and the supposed failure of such means; with intent that they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might unlawfully and traitorously carry and convey, and cause to be carried and conveyed, the said last-mentioned paper-writing to parts beyond the seas, to be delivered to certain persons of the said foreigners and strangers, such persons being called in the said last-mentioned paper-writing, the Executive Directory of France, and might thereby incite, encourage, persuade and procure the said foreigners and strangers to make, and cause to be made, an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this Kingdom. And further, to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings, imaginations, inventions, devices, and intentions last aforesaid, they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, on the 27th day of February, in the thirty-eighth year of the reign aforesaid, with force and arms, at Margate, in
the

the county of Kent, maliciously and traitorously did treat and bargain, and cause and procure a treaty and bargain, to be had and made with one Thomas Norris and one John Foreman, concerning and for the hire of a vessel; and did then and there, by such treaty and bargain, and by promise of money, endeavour to obtain and hire a vessel, to sail and go from this kingdom, unto and into parts beyond the seas in order that they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might be conveyed and carried, in such vessel, from this kingdom, unto and into parts beyond the seas, in order that they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might be conveyed and carried, in such vessel, from this kingdom, unto and into parts beyond the seas, and might, in parts beyond the seas, give advice, information, comfort, aid and assistance to the said foreigners and strangers, and incite, encourage, persuade and procure the said foreigners and strangers to make, and cause to be made, an hostile invasion of this kingdom with ships and armed men to prosecute and wage war against our said Lord the King within this kingdom; and might, for the purpose of such incitement, encouragement, persuasion, and procurement as last aforesaid, deliver, and cause to be delivered, the said last mentioned paper-writing to certain persons of the aforesaid foreigners and strangers, such persons being called, in the said last-mentioned paper-writing, the Executive Directory of France. And further, to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings, inventions, devices and intentions aforesaid, they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, on the 27th day of February, in the thirty-eighth year of the reign aforesaid, with force and arms, at Margate, in the county of Kent, maliciously and traitorously did make a proposal to and treat with, and cause and procure a proposal and treaty to be made and had to and with one Robert Campbell concerning and for the hire of a certain other vessel; and did then and there, by such proposal and treaty, endeavour to obtain and hire such vessel as last aforesaid, to sail and go from this kingdom unto and into parts beyond the seas, in order that they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might be carried and conveyed in the said last-mentioned vessel from this kingdom unto and into parts beyond the seas; and might, in parts beyond the seas, give advice, information and assistance to the said foreigners and strangers, and incite, encourage, persuade, and procure the said foreigners and strangers to make, and cause to be made, an hostile invasion of

of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this kingdom; and might, for the purpose of such incitement, encouragement, persuasion, and procurement as last aforesaid, deliver, and cause to be delivered, the said last-mentioned paper-writing to certain persons of the aforesaid foreigners and strangers, such persons being called, in the said last-mentioned paper-writing, the Executive Directory of France.—And further, to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings, imaginations, inventions, devices and intentions last aforesaid, they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, on the 27th day of February, in the thirty-eighth year of the reign aforesaid, with force and arms, at Margate, in the county of Kent, maliciously and traitorously did make a proposal, and cause and procure a proposal to be made, to one Jeremiah Mowle, concerning and for the hire of a certain other vessel; and did then and there, by such proposal, endeavour to obtain and hire such vessel as last aforesaid, to sail and go from this kingdom unto and into parts beyond the seas, in order that they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might be carried and conveyed, in the said last-mentioned vessel, from this kingdom unto and into parts beyond the seas; and might, in parts beyond the seas, give advice, information and assistance to the said foreigners and strangers, and incite, encourage, persuade and procure the said foreigners and strangers to make, and cause to be made, an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this kingdom; and might, for the purpose of such incitement, encouragement, persuasion and procurement as last aforesaid, deliver, and cause to be delivered, the said last-mentioned paper-writing to certain persons of the aforesaid foreigners and strangers, such persons being called, in the said last-mentioned paper-writing, the Executive Directory of France. And further, to fulfil, perfect and bring to effect their most evil and wicked treason and treasonable compassings, inventions, devices and intentions last aforesaid, they the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors as aforesaid, on the 27th day of February, in the 38th year of the reign aforesaid, with force and arms, at Margate, in the county of Kent, maliciously and traitorously did meet and assemble themselves together, having the said last-mentioned paper-writing secretly and traitorously in their custody and possession, in order to consult upon, devise, contrive, discover, and settle the means of going and passing; and in order to go and pass, from

from and out of this kingdom, unto and into parts beyond the seas; with intent that they the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might in parts beyond the seas, give advice, information, and assistance to the said foreigners and strangers; and incite, encourage, persuade and procure the said foreigners and strangers to make, and cause to be made, an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King within this kingdom; and might for the purpose of such incitement, encouragement, persuasion and procurement as last aforesaid, deliver or cause to be delivered, the said last-mentioned paper-writing to certain persons of the aforesaid foreigners and strangers, such persons being called, in the said last-mentioned paper writing, the Executive Directory of France. And further to fulfil, perfect, and bring to effect their most evil and wicked treason and treasonable compassings, imaginations, inventions, devices, and intentions last aforesaid, they, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, as such false traitors, as aforesaid, on the twenty-seventh day of February, in the 38th year of the reign aforesaid, with force and arms at Margate in the county of Kent, maliciously and traitorously did repair and go to a certain house situate at Margate aforesaid, in the said county of Kent, called the King's Head, in order to discover, procure, and provide the means of going and passing, and in order to go and pass from and out of this kingdom unto and into parts beyond the seas; with intent that they the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, might in parts beyond the seas, give advice, information, and assistance to the said foreigners and strangers to make and cause to be made, an hostile invasion of this kingdom with ships and armed men, to prosecute and wage war against our said Lord the King, within this kingdom, in contempt of our said Lord the King, and his law, to the evil example of all others in the like case offending, contrary to the duty of the allegiance of them, the said James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, John Binns, John Allen, and Jeremiah Leary, against the form of the Statute in such case lately made and provided, and against the peace of our said Lord the King, his Crown and Dignity.

MAIDSTONE,

MAIDSTONE, MONDAY, MAY 21.

THE Court was opened at seven in the morning. The Prisoners were brought to the Bar, and their names called over.

Mr. *Plumer* stated, that he had to call the attention of the Court to a circumstance which, from a regard to the vindication of their own honour, as well as the interest of public justice, he ought not to delay one moment in bringing under their consideration. He alluded to the contents of an affidavit which had just been made. It contained an account of a crime of the most horrid nature—one of the most atrocious attempts to pervert the course of justice—one of the highest contempts of Court, that ever he heard of. He thought it, however, necessary to mention, that in bringing forward this business, he was far from wishing to prejudice any of the Gentlemen connected with the Prosecution in the opinion of the Public: indeed, he knew they were incapable of having any concern in so infamous a transaction. When he was first put in possession of the fact, it appeared to him of so extraordinary a nature, that he could not give credit to it, until an inquiry convinced him of its truth. It was no less than an attempt to prejudice men who were called as Jurymen against the Prisoners, knowing them at the same time to be on the list of Jurors, and to induce them to come into Court with a conviction of the Prisoners being guilty, and a determination to convict them. Their Lordships would be astonished to hear that such an attempt had been made; and they would be still more astonished to hear that it was made by a Clergyman. He would prove, however, under this Gentleman's own hand-writing, a history of the practices he had been engaged in.

Here Mr. *Plumer* read the following letter:—

“ DEAR SIR,

“ I dined yesterday with three of the Jurymen of the *Blackburne Hundred*, who have been summoned to Maidstone on the Trial of *O'Connor* and *Co.* and it is not a little singular, that not one Yeoman of this District should have been summoned to an Assize for this County, nor to any of the Quarter Sessions (excepting the Midsummer), for more than 50 years. These three men are wealthy Yeomen, and partizans of the *High-Court Party*. Now, this is as it ought to be; and as they are good farmers, and much in my interest, to be sure, I exerted all my eloquence to convince them how absolutely necessary it is, at the present moment, for the security of this Realm, that the *seigns should swing*. I represented to them, that the acquittal of *Hardy* and *Co.* laid the foundation of the present Conspiracy, the Manchester, London Corresponding Society, &c. &c. I urged them by all possible means in my power, to hang them through mercy—a memento to others, that, had the other have suffered, the deep laid Conspiracy which is coming to light, would have been necessarily crushed in its infancy. These, with many other arguments, I pressed with a view that they should

go into Court avowedly determined in their verdict, no matter what the evidence. An innocent man committed to gaol, never offers a bribe to a turnkey to let him escape. *O'Connor* did this, to my knowledge; and although the Judge is sufficiently stern, and seldom acquits where hanging is necessary, the only fear I have is, that when the Jury is impannelled, the *Blues* may gain the ascendancy. In short, I pressed the matter so much upon their senses, that if any one of the three is chosen, I think something may be done. These three men have gained their good fortunes by farming: and I think, they are now thoroughly sensible, that they would loose every shilling by acquitting these felons.

"I have seen, Sir, that detested shore—that atrocious Land of Despotism, from Shakespeare's Cliff, Calais' steeples; and I truly shuddered, not at the precipice, but by contemplating the vicinity to me of a miscreant crew of hellions, vomiting their impotent vengeance, and satiating their bloody appetites upon my country. Ah! my good Sir, we are safe—it is next to a moral impossibility that, in Sussex or Kent, they could land in force; the batteries, forts, &c. are so numerous, that hardly a gun-boat could escape being blown to atoms. But Ireland, alas! alas! it is lost, Sir! I fear it is gone—Here Government are now spending hundreds of thousands in fortifying what can never be attacked—they are fortifying the castle with out-works, ravelins, counter-scarps, and immense ditches; and they are absolutely burrowing under the rock for barracks. It is, indeed, a most prodigious undertaking, but absolutely *useless*. It is a pity, indeed it is, when money is so much wanted, to see it so wantonly wasted, and all done in throwing down the Cliff upon the Beach. Remember me to Mrs. L. and your family: assure her we expect a Republican visitation. This County is split into Party—but I never enter into the habitation of a Yeoman, but I see the sword of the owner suspended—glorious fight! But the Militia, O Lord! at Horsham, Shoreham, Ashford, Battle, Lewes, Brighton, Ringmer, &c. &c. I very seldom met with a sober man—'tis nothing but a dreadful sight of drunkenness. Fine soldiers in action! *their pay, their pay*, so extravagant.

"I have now as fine a sight of the Chalk Hills opposite as ever was seen. The sun is setting upon that vile land, and presents an object not a little disagreeable.—Yours truly.

Dover, May Day.

"A. YOUNG.

"GAMALIEL LLOYD, Esq. Bury St. Edmund's, Suffolk."

This letter (he said) is in the hand-writing of *the Rev. Mr. Arthur Young*, and was sent to a Gentleman in Bury. Every step had been taken to prove it in the fullest and most satisfactory manner. Mr. Young had been called upon, and had acknowledged it. But he refused to name the three persons with whom he held the conversation described in the letter. Thus the prisoners were left in this state. They knew that such practices had been carried on against them by Mr. Young with three of

the jury of the Blackburne Hundred, without knowing who they were. Their Lordships would not, he trusted, allow the Prisoners to be tried by men who had been thus prejudiced against them. It became the dignity of the Court to adopt some measure to prevent them from being put on the Jury. Mr. Young's letter proved that he had conversed with three Jurymen. How many more he had conversed with, it was impossible for the Counsel for the Prisoners to discover; but it was probable he had made similar impressions on others. He certainly ought to accompany this statement with an application to the Court to allow such questions to be put to the Blackburne Hundred Jury as would tend to shew whether any of them who might be called were persons on whom Mr. Young had made this impression.

Mr. Justice *Heath* said, that Mr. Young had been guilty of a very great offence; but what could the Court do as to punishing him? He was not within their jurisdiction, as their Commission extended only to the county of Kent. With respect to the Jurymen of the Blackburne hundred, it would not be proper to put questions to them which would have a tendency to criminate themselves.

Mr. Justice *Buller*—"You may ask them questions as to having any conversation with Mr. Young; but they could not be compelled to answer questions which would criminate themselves."

Mr. *Dallas* hoped the Court would take care to counteract the conspiracy which had been formed against the Prisoners. Upon the Affidavit before the Court, it did not appear that those Jurymen were criminal: but he would ask, whether their Lordships would allow Jurymen who stood in such a situation to try the Prisoners? In several cases, trials had been put off on account of the publication of Pamphlets which were supposed to be injurious to the Prisoners; and this was not done on account of the libel having produced the effect designed by the writer. If all the Jurymen were in the same situation as the three unknown persons of the Blackburne Hundred, the Court would have no hesitation in delaying the trial. He need not say more; he was sure their Lordships would see the necessity of making some inquiry into this extraordinary transaction.

The *Attorney-General* had no difficulty in stating, that if, upon an inquiry into this matter, conducted upon the principles of justice to all the parties, the charge which had been made should turn out to be true, he would consider it to be his bounden duty to bring the person who had been guilty of so great an offence to trial. This was not only a duty he owed to his Profession, but to his Country; and he ought to be dismissed from the Office which he held, if he hesitated one moment to exercise all the authority that his situation invested in him, to bring to justice any person who attempted to influence a Jurymen. The Court and the Counsel knew nothing of the characters of Jurymen: they were taken as returned by the Sheriff of the County. If, therefore, the object

of this application was to punish any persons who might be found guilty, he had no difficulty in declaring he would use his utmost endeavours to bring them to justice. That the Administration of Justice might, in the present case, as he wished to see it in every other, be preserved pure, and that there might be no ground for supposing that Prisoners who were tried for their lives had not received justice, he should concur in the wish of the learned Gentlemen, and would challenge all the Jury of Blackburne Hundred himself.

Mr. *Garrow* directed the witnesses to be ordered out of Court.

Mr. *Plumer* said, that the Counsel for the Prisoners had no objection to the witnesses, whether against them or for them, remaining in Court. There were some Gentlemen of very high character attending to give evidence for the Prisoners, and he should be sorry if they were not permitted to remain.

The *Attorney General* said, all the witnesses on both sides ought to be ordered out of the Court, without any distinction whatever.

Mr. *Knap* (Clerk of Arraignment) proceeded to call the Jury.

Thomas Raikes, of Bromley, Esq. and Merchant, being called, Mr. *Plumer* challenged him with cause.

Mr. *Foulkes* (Attorney) was sworn, and deposed, that on the day on which the Prisoners were arraigned, he heard Mr. Raikes ask some questions about the Prisoners: he at last asked the witness, which was Binns? And he pointed him out: Mr. Raikes looked them all stedfastly in the face, clenched his fist, and exclaimed in a very angry manner---*Damned Rascals!*

Mr. *Plumer*--Was it in a manner strongly expressive of malice against them? A. It was.

The *Attorney General* said, he really must protest the Gentlemen of the Jury from this mode of proceeding---The matter ought to be tried by two Jurymen.

The Court directed two Jurymen to be sworn, to try whether Mr. Raikes ought to be put on the Jury.

Mr. *Foulkes* again deposed, that he saw Mr. Raikes at the arraignment; that he inquired which was Binns; and that, looking the Prisoners stedfastly in the face, he clenched his fist, and said they were damned rascals.

Attorney General.--Did you know Mr. Raikes before? A. I knew his person.

Q. What other questions did he ask? A. No other at me; he had been asking questions of some persons who were near him, and at last asked me which was Binns.

Q. Do you know any other person who was near you at the time? A. I do not: I mentioned the circumstance immediately after to Mr. Bonney, and, I think, to Mr. Scott.

Q. You know that Mr. Raikes is a very respectable person?-- A. I do.

Q. You were a perfect stranger to him before? A. He was known to me personally before. I once did some business in which Mr. Raikes was concerned.

Mr. Dallas. I should be glad to know, Mr. Foulkes, whether you have any doubt of Mr. Raikes being the person who acted in the manner you have described? A. I have not the least doubt.

The *Solicitor General* deposed, that Mr. Raikes had frequently expressed to him great unwillingness to be a Jurymen on this trial; and he had lately told him that he meant to apply to the Court to get off.

Mr. Raikes was dismissed.

James Martyr, of Otford, Gentleman, was called soon after, and was also challenged with cause.

Benjamin Rawson deposed, that he heard him say the prisoners were guilty. He added something more which the witness did not hear, and ended by saying that he hoped they would be hanged if they were guilty.

Court.—That is nothing.

Mr. Plumer.—There is another evidence; but if he does not go farther, I shall not insist upon this as a cause of challenge.

Attorney General—Have you had any other conversations with other Jurymen? A. I might have had other conversations with other Jurymen, but I do not recollect particularly what it was.

Mr. Plumer.—It surely is not meant to be insinuated that any conversations were directed to be had with Jurymen by any of the Counsel on this side, or by any person acting for the prisoners.

The *Attorney General* said a few words in explanation.

Mr. Plumer stated, that he was informed that the other witness did not go farther than Mr. Rawson; he would therefore give up the point.

Mr. Scott objected to the great number of challenges made by the Crown without shewing cause. There had been a greater number now made than ever was recorded on any former occasion. He could not sit there unless he was chained down, and witness a practice so contrary to what he conceived to be the Law of the Land. The Act of the 33d Edward the First required that the Counsel for the Crown should shew cause of challenge; but bad Judges had permitted a custom to grow up against it. Mr. Scott then entered, in a very learned, and able manner, into the history of this right claimed by the crown. It originated in periods of oppression, and Stamford was the first writer who supported it. Mr. Scott then traced the practice downwards to the present time, quoting the opinion of the most eminent writers on the subject. He begged leave to state what was said on this subject by Mr. Horne Tooke, a gentleman who is no less distinguished for his genius and learning, than for his inflexible attachment to the ancient Laws and Constitution of his Country. Mr. Scott was proceeding to state what Mr. Tooke had said on that occasion, when,

Mr. Justice

Mr. Justice Buller observed, that it was wrong to state the opinion of counsel or parties. If Mr. Scott had any legal authority to produce, he ought to state it.

The *Attorney General* replied to Mr. Scott.

The Court were of opinion that the objection was groundless. Mr. Justice Buller said, that both the Act of Parliament and the custom were in favour of the Crown.

The number of peremptory challenges allowed by Law having been made by the Prisoners, and twenty-five by the Crown, the following Gentlemen composed

THE JURY:

Charles Haskins, Esq. West Wickham, Foreman.

William Small, Farmer, Shreham ;

William Cronk, Farmer, Seal ;

Richard Ray, Farmer, Sevenoaks ;

James Chapple, Distiller, Sevenoaks ;

Michael Saxby, Farmer, Penhurst ;

Silas Newman, Farmer, Wrotham ;

Isaac Tomlin, Esq. Wrotham ;

Thomas Henham, Esq. East Peckham ;

Walter Barton, Farmer, East Peckham.

John Miller, Gentleman, Yalding ;

John Simmons, Farmer, Yalding.

The indictment was read by Mr. Knap, who afterwards stated the charges it contained in a summary manner. He said there were three distinct species of Treason charged in the indictment, and seven overt acts. The first Treason was compassing and imagining the death of the King: the second adhering to his enemies: the third, compassing, and imagining, inventing, devising and intending to move and stir certain foreigners and strangers, that is to say, the persons exercising the powers of Government in France, to invade this kingdom. The first overt act was, conspiring to levy war at Margate in the county of Kent; the second overt act, sending intelligence to the enemy; the other overt acts were, attempts to hire vessels, and to leave the kingdom.

Mr. Abbot opened the pleadings by stating the different species of Treason in the indictment as mentioned above. It was unnecessary for him to describe the overt acts, as they had been so particularly pointed out by the officer of the Court.

The *Attorney General* addressed the Jury. He said, in the discharge of his duty, he had been imperiously called upon to lay before a Grand Jury of the County, the charge upon which the prisoners were now to be solemnly tried. It was a painful reflection that he felt it to be his duty to state, that it was his opinion it was impossible for the prisoners to give such an answer to the evidence which would be brought against them, as would satisfy the Jury of their innocence, or in any wise justify their conduct. It was not within his comprehension that any evidence could be brought, on
their

their part, sufficient to destroy the positive facts which would be proved against them. The charges of Treason laid in the indictment were, as had already been stated, 1st, compassing, and imagining the death of the King; 2dly, adhering to his enemies; and 3dly, inviting strangers to invade the realm. The indictment states several overt acts done towards carrying these Treasons into effect. In order that persons charged with High Treason might be rendered secure against any accusation founded in conjecture, it was not sufficient that the indictment charged them with compassing and imagining the death of the King, with adhering to his enemies, or with endeavouring to procure the invasion of the country; but the law also required, that the facts which are to be the proofs of these intentions should be fully set forth in the indictment. It is likewise necessary to substantiate the proof that there should be two witnesses to one overt act, and one to another overt act of the same Treason. It was not his intentions to trouble the Jury with many observations on the Law of Treason; and he felt it to be his duty to call on those who presided to correct him if he made any misstatement either in law or in fact. He had not the least hesitation in saying, that if the facts stated in the indictment were proved to be true, it must bring the Prisoners within the Act of Edward the Third, and subject them to the penalties of High Treason. In calling the attention of the Jury to the circumstances of the present case, he should endeavour to exercise the duty imposed upon him with as little observation as possible; and all that he should state would be clearly proved by witnesses. The following was the substance of the evidence he meant to produce.

On Tuesday the 27th of February, three of the Prisoners at the bar, namely, Coigly, Allen, and Leary, came from Whitehall to the King's Head, in Margate; Coigly, under the name and character of Captain Jones; Allen, in the character of his servant, though he really was not so; and Leary, as the servant of Mr. O'Connor, who is his master. They had not been at the King's Head a quarter of an hour when Mr. O'Connor, who went by the name of Colonel Morris, and Binns, who assumed the name of Mr. Williams, arrived there also. They remained at the King's Head that evening, and part of the next morning. On the next morning (Wednesday the 28th), while they were meditating the removal of their baggage, for a purpose of which there could be no doubt, they were arrested by Revett and Fugion, two of the Police Officers belonging to the Office in Bow-street. Coigly was sitting at breakfast in a room in which there was a great coat, containing in the pocket a paper, the contents of which would be submitted to the Jury. He ought to have mentioned, that on the preceding evening, when Coigly, Allen and Leary came to the King's Head, they brought a very considerable quantity of baggage, consisting of deal and mahogany boxes, and leather cases, &c. It was very extraordinary that they had denied all knowledge of the boxes or their

their contents, although they were very valuable. This circumstance was remarkable, and certainly could arise from no motive but an apprehension that, by owning the property, they would involve themselves in danger, by other things which were along with it being brought home against them. It was impossible in any other way to account for their wishing to relinquish this valuable property. He should now read to the Jury the paper found in Coigly's great coat pocket; fully sensible that when he should go the length of proving in the manner which the Law required, that any man or number of men had such a paper in their possession for the purpose of carrying to France, to those to whom it was addressed, it would be impossible for the Jury to say that this alone was not sufficient to convict the prisoners of High Treason. This paper was to the following effect:

" The Secret Committee of England to the Executive Directory of France.

" CITIZENS DIRECTORS,

" We have assembled together, on the wing of the moment, to communicate to you our sentiments. The Citizen who now presents them, and who was the bearer of them on a former occasion, having but a few hours to remain in town, you cannot expect from us a laboured address—but frankness is the characteristic of Republicans.

" Affairs here are drawing to an alarming crisis. Tyranny, shaken to its base, is ready to expire; and with the tyranny of England will fall that of all the Governments of Europe.

" Haste, then, Great Nation! to pour forth thy gigantic strength. Let our vile Despots feel thy avenging stroke; and let one more oppressed Nation carrol forth the praises of France at the Altar of Freedom.

" With rapture we have seen your Proclamations. They have met our warmest wishes, and have removed doubts from the minds of millions. Go on! Englishmen will be ready to second your efforts.

" The system of borrowing, which has hitherto enabled tyrants to disturb the peace of the world, is at an end. They have tried to raise a kind of forced Loan --it has failed: every tax diminishes the Revenue which it is intended to increase, and their Voluntary Contributions have produced almost nothing. The Aristocracy pay their Assessed Taxes under the mask of Voluntary Contributions. Even the poor Workmen in the Manufactories are obliged to pay towards them, or must submit to be turned out of employment. Even the Soldiers have been ordered to subscribe; but by far the greater part resist; and the few that do comply, have either been cajoled, or reluctantly compelled, to part with their pence and farthings.

" But

"But Englishmen are no longer blind to the sacred flame of Liberty. Every day they see themselves bereaved of some part of the Democracy of their Constitution. Injuries are heaped upon injuries; and they are at last convinced, that in order to possess a free Constitution, they must make one.

"Parliamentary declaimers have been the bane of the people. They have wished to raise themselves on our shoulders, and want only their share of the national plunder. It is therefore the interest, both of them and the Government, to continue the delusion; but they have at length pulled off the disguise; and the very men who, under the semblance of moderate Reform, only wished to climb into power, are now willing to fall into the ranks of the people. Yes! they have fallen into the ranks; and there they must for ever remain—for Englishmen can never more place confidence in them.

"We have already fraternized with the Secret Committees of the Irish and the Scotch, and a Delegate from each sits now with us. The sacred flame of Liberty is rekindled. The holy obligation of Brotherhood is renewed with enthusiasm. It spreads even in the Fleets and the Armies. Disaffection prevails in both, and united Britain pants to burst her chains.

"Fortunately we have no leader. Avarice and Cowardice pervade the Rich, but we are not the less united. Some few of the opulent, indeed, have, by speeches, professed themselves the friends of Democracy; but they have done nothing to promote it—they have considered themselves as distinct from the People. The people will, in return, regard their claims to patriotism as unjust and frivolous. They would place us in the front of the battle, that, unsupported with the wealth they enjoy, we may perish, while they endeavour to raise themselves on our ruin; but let them know, that, though we may be oppressed, they can never enslave us; and that Englishmen, once free, will know how to reward those political impostors.

"We are united. Our only wish is to see the Hero of Italy and his invincible Legions landed on our coast. Myriads will hail their arrival. The veteran troops of France will soon terminate the struggle; and, having banished tyranny, will return to their native country, to enjoy the happiness they have purchased with so much blood."

"6 Pluiose, 6th year of the French Republic."

He would now state the circumstances under which the Prisoners came from London. The prisoner Binns, who on this expedition went by the name of Williams, occupied the lodgings of his brother, Benjamin Binns, at No. 14, Plough-court, Fetter-lane, at the house of a person of the name of Evans, who was the Secretary of the London Corresponding Society. A person of the name of Smith rented a floor of this house, and the prisoner Binns took an apartment for Allen from Mr. Smith. Upon Wednesday the 21st

February

February he left London, for the purpose, as I am informed I shall be able to prove to you, of hiring a vessel to carry this paper to France, and deliver it to the persons to whom it was addressed. Upon Thursday he arrived at Canterbury, where he called upon two persons, representing himself as having some concern in what he called the smuggling line, and said he wanted to procure a boat to go abroad, and that three or four friends who were connected with him would be at Whitstable on the Saturday. These persons gave him the names of some persons at Whitstable, to whom he might apply for a boat. He went there on the same day. He there saw several witnesses, who will be called, and will prove that he entered into a treaty for a boat to go to Flushing. The person to whom he applied represented that it was dangerous going there, as that place was in the possession of the enemy. He then proposed to go to Havre, Calais, or any other port on the coast of France; and upon representations of the danger, Mr. Binns represented that there would be no hazard as to the detaining of the vessel, assuring the person with whom he was in treaty, that he would secure the return of the vessel with a *good crop*. The man stated, that it was absolutely necessary he should be well payed for his trouble. It was then agreed that 300 guineas was to be deposited in the Bank of Canterbury, as security for the return of the vessel, and that 150l. should be paid for the job. This happened on the Friday morning. It appears that Mr. Binns did not like these terms; he had, perhaps, thought them too extravagant. He went, however, afterwards to Deal, and endeavoured to procure a boat there. I shall call two or three witnesses from Deal, who will prove to you that he made proposals to them on the Saturday morning, similar to those he made to other persons in Whitstable on the Friday morning. The persons at Deal were inclined to make a bargain on more reasonable terms; they asked only 60 or 70 guineas. The Jury would recollect that it had been stated before, that the prisoner said he expected three or four friends who were concerned with him to be at Canterbury on the Saturday. Binns returned to Canterbury on the Saturday evening, not having found the friends he expected, and went up to London in the Canterbury coach; but he did not arrive in town before the other prisoners had sailed from the Tower-stairs in a hoy for Whitstable.

It would appear, Mr. O'Connor had a lodging in Stratton-street, which is in the west end of the town. It would also appear, that he was acquainted with a Mr. Bell, a Gentleman who lives in Charterhouse-square, at whose house he introduced Coigly under the name of Capt. Jones. On the Saturday night, Mr. O'Connor and his servant slept at the house of Mr. Bell; on the same night Mr. Coigley slept at the house of Evans in Plough-court; it would also be proved, that Coigly was there in the character of Capt. Jones, and that Allen, who was in the character of his servant, slept with him in the same bed, or at least in the same room: it would also

appear that the room in which they slept was the lodging of Benjamin Binns, which his brother, the prisoner at the bar, had occupied while he was absent from town.

Before bringing the prisoners together, it would be proper to read a letter written by Mr. O'Connor to Mr. Binns under the name of Williams. On the Saturday afternoon, Mr. O'Connor desired Mr. Bell to write a letter for him, directed to Mr. William Williams ; it was as follows :

" MY DEAR FRIEND,

" I shall set off to-morrow morning in a Whitstable hoy, and expect to meet you there. All the parcels you mentioned will be taken.—Yours sincerely,

" JAMES WALLIS."

" I got your letters."

The baggage found with the prisoners would be proved by two servants of Mr. Bell's, who carried it from their master's house. From that house Mr. O'Connor, and his servant Leary, went on board the hoy on Sunday morning.—Coigly and Allen were called by a watchman, and went also on board of the hoy on Sunday morning. They went down the river, and arrived at Whitstable in the evening. The removal of their baggage to the Inn would be proved by several witnesses. Such baggage as attracted the particular attention of the prisoners was carried on shore by themselves. The baggage was afterwards searched by Mr. King, the Custom-house Officer at Whitstable. It will appear that the prisoners went to the Bear and Key at Whitstable, where Mr. O'Connor and Mr. Coigly slept together. In the course of that night they were overheard counting money, and holding a conversation relative to money transactions.

Mr. Binns, not finding the other prisoners on his return to London, set out for Gravesend, and arrived on horseback in the same evening at Canterbury. It will be proved that he intended to go to Whitstable that night, but was prevailed on to remain in Canterbury until the morning. On Monday morning Mr. O'Connor walked out from the Bear and Key at Whitstable ; and it appeared that he had met Binns, who had left Canterbury, somewhere on the road.

The baggage was brought on shore from the hoy, and left under the care of Coigly, Leary, and Allen ; and it would be proved that one person paid for all. It would also appear that Leary objected to some of the boxes being opened, because he said, his master, Colonel Morris, who was gone to Dover, had the keys. He said his master was going to the East Indies, and in another conversation Coigly said he was going to the West Indies. Allen, Leary and Coigly hired a cart from a person of the name of Wilson, and travelled with their baggage to Margate. In the mean time Mr. O'Connor and Leary went to Deal, where it will be proved that the conversation was much the same as Binns held on the preceding Saturday. Mr. O'Connor took down in writing the name of the person

person he should call upon if he came there again. It did not appear how Binns and O'Connor got to Margate; but it must have been understood that they were to meet the other prisoners there.

With respect to Mr. O'Connor, there were some papers which merited the particular attention of the Jury. There was one found in the house of Lord Edward Fitzgerald; and if it should be proved to be the hand-writing of the prisoner, he could not see how it was possible to deny that he had an intention to go to France. This letter was to the following purport:

"MY DEAR FRIEND,

"I have had a letter for you these ten days, but could not find any opportunity to send it to you. You cannot think how this has vexed me. We want Maxwell off, as he is anxious to go away from his creditors; but this embargo prevents him. It is said that Lord Fitzwilliam is going over to Ireland, and great hopes are entertained that he will be able to separate the Catholics from the Union. This you and every good man must endeavour to prevent. Let the people be but honest to themselves, and they have nothing to fear. I received your letter by the young man. I will make it a point that Maxwell goes to this place by Hamburgh. A man of consideration told me that he had heard the Government had intercepted a letter from the French Government, promising assistance to Ireland.

"They are in great straits here. The black Terrier and his brother are sorry curs. The little Priest has lost all credit. Chevalier was the person who wrote to me to have nothing to do with Nicholson and his crew, as they had fallen into contempt. I will send the pamphlet: let it be sold at 3s. 6d.—and care taken that it does not fall into improper hands to avoid a prosecution."

The next passage deserved the particular attention of the Jury:

"The instant I get to *Williams*, you shall hear from me. I will be as active there as I can."

This was altogether a very strange and masterly letter; but there was a paper found in Mr. O'Connor's razor-case, which in some degree, served to explain it. It was plain that the letter was written in what is called a cypher, and the paper found in the razor case was the key to it. There were the names of a great number of places and things on one side, and, in the opposite column, names which corresponded with those that had been read in the paper. They were ranged thus:—

France	Williams.
Spain	Thomson.
Paris	This place.
&c.	&c.

Now, when the letter stated that Mr. O'Connor was to go to *Williams*, and be active there, it meant nothing less than that he was going to France. The words *this place*, too, must mean Paris, when writing in the cypher. If this letter prove his design of going to

France—if the paper read before be proved to have been within his knowledge, and if it be proved that he was bargaining for boats to go to France, there could be little doubt but that the Jury would be convinced that he had been guilty of High Treason. In the baggage there will be found Colonel Morris's military dress, and Capt. Jones's military dress. There would also be found a considerable quantity of money, chiefly louis d'ors, to the amount of 900*l*. Was this property so little worth as to be abandoned by all the prisoners? But who was to pay the 300 guineas bargained for by Binns with the boatman? if he proved that every farthing of this money but 90*l*. was Mr. O'Connor's, there would be pretty strong evidence that he intended to go in that vessel. It would be proved, that when one box was opened, there was a bag with a label written upon it, "This money belongs to Capt. Jones." Binns left his box in Plough Court, and a person feeling anxious for the safety of it, carried it off, and kept it in his possession. In that box there was found Coigly's passport, with which he had been travelling through France in April 1797. This was material when connected with the first words of the Address to the Executive Directory of France. There were other papers in some degree connected with this circumstance: there were letters written by Mr. Coigly, and given to the landlord of the Bear and Key, to be sent to Holland; one was dated the 27th of February, the other the 26th of February. It was remarkable too, that the first was dated from Manchester. One stated,

"Notwithstanding the severe prohibition carried on against our merchandize in France, I am resolved to carry on the trade at all events. I hope you will send a confidential friend to prepare the necessary passports. Let me know how we may send goods into France by land."—Addressed "to Mynheer George Frederick Vandeleur, Flushing."

The other was dated from Margate, and ran thus:

"Being here, and hearing that there is a great seizure of all our merchandize, I write to inquire about it. If any thing may be sent by sea, tell me. As I am under the necessity of attending as a military man, write to my partner. Direct to Parkinson and Co. Manchester. We are very uneasy about the safety of the last parcel."—Addressed "to Mynheer Van Soleman Vanderslang, Amsterdam."

Without entering minutely into the nature of the papers, he thought he might venture to state, that there was not one of them which was not great and important evidence against all and each of the prisoners. The Law was, that when a number of persons are once proved to have been actively concerned in a conspiracy, the act of one is the act of all. If he had omitted any thing, he would be corrected by those who came after him, as well as by the Bench. Each paper would be clearly proved by evidence. When the Jury had heard the whole of the evidence, it would be their duty

duty to decide, and to return an honest verdict. He was convinced that they would view with horror any man who would press them to return a Verdict of Guilty against evidence. If they owed an important duty to the prisoners, they owed one not less important to the public. He was convinced that they would discharge both these duties with the strictest regard to justice.

Evidence for the Crown.

John Revett, a Bow-street Officer, sworn, and examined by the Solicitor-General :

Q. Did you apprehend the prisoners?---A. Yes, along with Fugion.

Q. Where did you apprehend them?---A. At Margate on the 28th of February. Fugion, myself, and four light-horsemen, took them into custody.

Q. In what manner did you apprehend them?---A. In a parlour on the left-hand side of the door, I found Leary and Allen. All the baggage was found in the parlour, except a great-coat with a black collar. I met Binns at the bottom of the stairs, and took him into custody.

Q. Where did you take him? A. I put him into the parlour.

Q. Did you arrest the prisoner Coigly? A. Yes; I found him in a room up stairs, with tea-things before him. After he was secured, Fugion took a dagger out of his pocket. After Coigly had been searched, Mr. O'Connor came into the room, I asked him his name, but he refused to give me any. He then asked me what I was---I told him I was an Officer from Bow-street---After securing him, he was searched; but I found no paper on him, but a written memorandum in the bottom of his purse. When I went into the room where Coigly was found, I saw a great-coat lying on a chair on the left-hand side as I went into the room. Coigly asked if he might not take his breakfast. I said he might; and when he was done, he said he was ready. I put him into the parlour below stairs. I afterwards saw the same great-coat brought down to the parlour below stairs. I asked who the luggage found with the prisoners belonged to; but none of them would own it. In a room on the left-hand side of the one where Coigly was found, I saw a pair of saddlebags. I understood that Mr. O'Connor had slept in that room, but he would not own the saddlebags. When the great-coat found in the room where Coigly had been was brought down to the parlour, none of the prisoners would acknowledge it. Mr. O'Connor and Coigly were particularly asked if it was theirs. Fugion, Mr. Twopenny, and myself, went into another room with the great-coat; and upon searching the pocket of it, we found a pocket-book. Mr. Twopenny pulled a paper out of the pocket-book, which he read, and said was of great consequence. There were more papers in the pocket-book. I marked them all --some

at Bow-street, and others in the Secretary of State's Office. They were never out of my possession until they were marked.

Q What did you do with the prisoners? A. We brought them to Bow street.

Q Was their luggage examined there? A. The large box only ---not the mahogany cases. They were examined at the Duke of Portland's office. I was present when a small green box, containing a quantity of gold, was opened.

The witness was shewn the paper which the Attorney-General mentioned as having been taken out of Mr. O'Connor's razor-case. ---He said he saw it taken out by Fugion; he marked it himself.

Cross-examined by Mr. Plumer :

Q Are not you a Bow-street Runner, Mr. Revett? A. Yes.

Q How long have you been of that profession? A. About three years.

Q After you seized the papers, did you take any account of them? A. I did not mark them there.

Q Did any body in your presence take an account of them? A. No; they were not marked by me, nor any body else, while there.

Q Did you take them before any Magistrate at Margate, and shew the papers there? A. No.

Q Was there any Magistrate in the place? A. Perhaps there was.

Q Do you recollect that you was desired by the prisoners to take them before a Magistrate, in order that the papers might be noted? A. I believe so.

Q Was that before or after the great-coat was found?---A. It was after.

Q When you found the great-coat, who was in the room? A. Nobody.

The witness did not recollect that the papers had been missing after they were brought to Bow street, nor that any inquiry had been made after them: they were never out of his possession until he marked them; he kept them in his drawer, and he always kept his drawer locked. He recollected that the prisoners desired him to seal up the papers when they were taken at Margate.

Edward Fugion was examined by Mr. Garrow :

Q Did you assist in taking the prisoners? A. Yes: When I went in, I saw Allen and Leary. I afterwards went up to the room where Coigly was, and took a dagger out of his pocket. I also searched Binns before I left the house, and found a book on him with his name written in it. I asked Binns, Leary and Allen about the luggage; but they made me no answer. When I was in the room up stairs, where we found Coigly sitting, I saw a great-coat, which was afterwards brought down stairs into the parlour by Fugion, when they were asked if it belonged to any of them,

but

but they denied it. I saw Revett take a pocket-book out of the great-coat pocket. The pocket-book was opened in another room, and a paper which was found in it read by Mr. Twopenny. The pocket-book and paper were afterwards put into a handkerchief, and produced at Bow-street. When the paper was produced there, I knew it to be the same as I had heard read by Mr. Twopenny at Margate. After we secured the prisoners, we carried them to Canterbury, and from thence to London. We found a razor-case and some silk stockings in Mr. O'Connor's saddle bags. He could not swear that the great-coat brought down by Revett was the same with that he had seen in the room up stairs.

Cross-examined by Mr. *Dallas* :—Several persons went into the house at Margate with him. He did not know who were present when he searched Leary and Allen. He found nothing on them but some money: he arrested Binns at the bottom of the stairs, who made no resistance. Allen and Leary were in the mean time left under the charge of two light-horse men. He did not mark any of the Papers. He first saw a great-coat in the room up stairs, and one again in the parlour; but he could not say that the latter was the same as the former. The handkerchief was opened by Twopenny, Revett, and me, in the absence of the Prisoners. He had heard a complaint at Bow-street that the handkerchief was missing. He did not threaten to knock Leary down, but he called him an impudent little fellow.

Mr. *Twopenny* was examined by Mr. *Adam* :—He saw the great-coat after it was brought down stairs by Revett. All the Prisoners denied it. Revett had it in his hand when he first saw it. In another room the pocket-book was opened, and the Paper addressed to the Executive Directory of France read.—On his cross-examination he said, he saw the pocket-book taken out of the pocket of the great-coat while the prisoners were present, but it was then tied up in a handkerchief.

The paper was then read, and was the same as stated by the Attorney General.

Ann Cricket was next sworn, and examined by the *Attorney General*.—She keeps the King's-Head, in Margate. Three persons came on Feb. 25, with a great quantity of baggage in a cart. Other two persons came afterwards. She could swear to all the prisoners. Mr. Coigly gave her a parcel. When the other two Gentlemen came, they inquired after him by the name of Captain Jones. She carried the message to him by that name, and he said he would wait upon them. The three Gentlemen slept together that night at her house, and there were no other strangers in the house at the time. There was no other great coat in the house belonging to any of the family, or any other person she knew.

Jane Dexter was examined by the *Solicitor General*.—She was in the house at Margate when Coigly came there. The three Gentlemen who came first, slept there. She saw Coigly in the parlour when

when she went there to prepare breakfast. She heard him say he wanted to take a lodging in Margate. She knew nothing of any great-coat.

William Kirby was examined by *Mr. Garrow*.—An application was made to him by *Leary* for a cart to carry some luggage to Deal. He agreed to go the following morning. He then went to ask his master about it, and he agreed to let him go at twelve o'clock. He returned, and told *Leary* so; but before that time arrived, the Prisoners were arrested.

Several Latin papers which were found in custody of *Coigley* were next read. They appeared to be certificates of his attendance and studies at foreign Universities.

Frederick Dutton was the next witness: He swore that he knew *Coigly*, and had seen his hand-writing, and knew it. Being shewn the paper relating to merchandize, read by the Attorney-General, he said it was *Coigly's* hand-writing.

Cross-examined by *Mr. Plumer*. He had been a servant, but was now a quarter-master in the army. He was asked if he had been a livery-servant? and he said he had not; but he at last acknowledged that he had at one time worn livery. He had been in several services. He said he was dismissed the service of *Mr. Carlisle* in consequence of some lies told of him. After he ceased to be a servant he had kept a public-house, and kept it at one time when he was a servant: part of the time he kept it without a license. He never was discharged from any place in consequence of misconduct. He had given evidence sometimes before in Courts of Justice. He once lived at *Dundalk* in Ireland. He never applied to *Mr. Cook* for a quarter-master's warrant; nor did he even ask any thing from Government for his services; but he hoped he should be provided for. *Mr. Plumer* then shewed him a letter, which, he said, he believed to be his hand-writing; it was an application to *Lord Carhampton* for the warrant. He had seen *Coigly* write on various occasions. He had carried letters from him to the next Post-Office. Saw him put his name, and the names of others, to a paper for the purpose of getting a watch-raffled, which belonged to a poor man then under sentence in the gaol of *Dundalk*. He was examined once as a witness against one *Lawry*. He then acknowledged that he had sworn secrecy, and afterwards divulged what he swore to conceal. He excused himself by saying he had sworn the first oath on a Reading made Easy. He had been a Quarter-master since last March.

Mr. Lane, Attorney, of *Cork*.—This witness was shewn the Letter found in *Lord Edward Fitzgerald's* house, and some other papers, which he swore were in the hand-writing of *Mr. O'Connor*.

Clio Rickman, Bookseller.---Was asked if he had given a letter to *Binns*, for the purpose of introducing him to any person? He said he had not.

Kean Mahony—Remembered seeing Binns on the 23d of February at Canterbury. He told the witness that there were some friends of his own on the other side, very much disinterested; that he wished to establish something in the smuggling line, and wished to know persons at Whitstable who had boats. The witness did mention the name of a person there. He said his friends in London wanted to go to Flushing or Ostend. He went away, and said he was going to Whitstable; and when he came back, he said he had not succeeded in getting a boat, because the men were so exorbitant in their demands. He then left Canterbury, and went, as he said, to London. He soon returned, and said his reason for coming back was, that his friends had left London in a Whitstable Hoy. He then went to another house (The Rose) in Canterbury. The witness went to the Post-office to inquire for letters addressed to Binns, under the name of Williams. He did not read the superscription, and he could not swear to the Letters. The Prisoner afterwards told the witness, that as he was his Countryman, he would tell him his real name—that it was Binns; but from having been prosecuted for Reform, he did not wish the furious People of Canterbury to know him.

William Kitchenham, Landlord of the Duke of Cumberland public-house, at Whitstable—Deposed to Binns coming to his house on the 23d of February, and inquiring whether Claris, a stationer, or Appleton, who belonged to a vessel, were to be found. The witness said Appleton was gone to Chatham. The prisoner stated, he wanted a boat to go across to Flushing; upon which the witness told him of the embargo on all vessels, and the danger of such a voyage. The witness introduced the prisoner to Foreman and Appleton, and he applied to them. He was not present at the conversation between them. He saw nothing more of the prisoner.

John Appleton—Saw Binns at Whitstable, the 23d of February, at the Duke of Cumberland. The prisoner asked what he should give him to take him across the water? Witness told him, it was a very hazardous piece of business, and he could not agree till he had seen his owners. Saw Binns again at four o'clock. Norris, Foreman, Binns, and himself, were together. Binns asked, what he should give to go to Flushing, Calais, or Havre? Norris said, he could not let his vessel go without security, and desired three hundred guineas might be deposited. Binns asked, if the other thought he was a child? It was proposed he should give 150l. to go to Flushing, or 100l. if the vessel came back with a cargo. Binns said, he should bring three or four others to accompany him, which was assented to. The witness did not see him again till he was at Canterbury.

Thomas Foreman—Deposed much to the same effect.

Thomas Norris deposed, that he was also present when Binns made the proposal. Upon the voyage being objected to, as hazardous, Binns said the vessel would not be detained above three hours,

hours, and that he would return in her. The rest of his evidence was to the above effect.

Robert Campbell, Pilot, *Launcelot Hayman*, Upholsterer, *Thomas Barham*, and *Jeremiah Moale*, all of Deal -- Deposed to the fact of Binns endeavouring to hire a vessel to go across.

James Elliott, of the Three Kings, at Deal, and *William Jones*, his Waiter, stated, that O'Connor and Binns were at their house on the 26th of February; that they staid all night, and went away the next day, between ten and eleven, on foot.

Mr. Hugh Bell knew Mr. O'Connor; but had no knowledge of Binns, though he had seen him at his house. O'Connor dined with him on Saturday, February 24, but did not recollect Captain Jones dining with him; he had dined twice at his house in company with O'Connor; had no recollection of the circumstance of directing the letter to Williams, but admitted the hand-writing to be his; believed O'Connor slept at his house on the Saturday, and that he was going into Kent; received a letter from him dated from Kent, signed James Wallace, which letter he had destroyed; learnt the real name of Quigly before his departure, and thought he was a person who had left Ireland on account of the state of politics. Witness procured a passage for O'Connor to go to Embden; but he was not able to get ready in time: he purchased a quantity of Louis D'ors, which was a species of money current on the Continent, and, at the then rate of exchange, a good remittance to Hamburgh; said O'Connor had left Ireland for fear of a second imprisonment; that he believed O'Connor had never belonged to any English political society; that he did not appear to have any particular acquaintance with Quigly, but merely to have assisted him on account of his being a distressed Irishman.

James Wallace, Mr. Bell's footman, proved O'Connor's sleeping at his master's house. The witness carried the luggage to the Whitstable boy, and saw the prisoners on board.

Elizabeth Smith—Deposed to the fact of Allen and Quigly sleeping in Binns' brother's apartment, in Plough-court, Fetter-lane, the night before they went away.

John Richardson, the watchman, said he called them at five o'clock in the morning.

Richard Smith, master of the Whitstable hoy, proved the luggage being brought on board on the Saturday, and the prisoners coming on-board the next morning. The packets were all directed "Colonel Morris." The prisoners expressed great anxiety lest the vessel should be overhauled at Gravesend.

Mr. Parkins, who keeps a public-house at Whitstable, was next sworn:

Quigly and O'Connor slept in my house; I learned that one was Colonel Morris, and the other Captain Jones, from the discourse between the servants in the tap-room; Mr. Quigly remained the whole of Monday. He asked me if I could accommodate him with
a boat

a boat to Margate. I enquired of Edward Ward, who asked a guinea and a halt for the boat. He asked me if there was any danger of his baggage being searched; he went away, however, without any boat, and took a cart, in which he took the baggage, and said it was a disagreeable business to have one's goods tossed about in such a manner; and asked if he was going to Dover, and if he had any correspondence across the water, he said he had some at Amsterdam. I carried a letter for him directed to his friend at that place.

Cross-examined by Mr. Plumer:—The witness said, he told Quigly that his goods would be searched, for no goods ever went on the Quay of Margate without being searched.

John Dyason, nephew to Mr. Parkins' servant, said he slept in the next room to where O'Connor and Quigly slept. In the morning he heard a passing and repassing, and heard money counted. He heard a pen going as if they were writing; and heard somebody say it was wrong, but could not tell what.

Q. By Mr. Dallas.—Could you hear the writing going on without listening?—A. Yes, I could.

Q. By Mr. Garrow—What is the partition between the two rooms?—A. There is a partition of wainscot between both, and a lattice at the top.

Mr. Parkins being called, said that the partition was lath and plaster, and run up to the top of the ceiling.

Mr. King the Under Secretary of State, sworn.—He was present when a small mahogany trunk was broke open at the Duke of Portland's Office. He sealed it up. It contained guineas, louis-d'ors, &c. amounting to 1000*l*. In a canvas bag found in the box, there was a paper marked by the witness's initials; this paper was tied to the money; it stood for Captain Jones, and described the quantity of money contained in it (75 guineas). The witness found nothing else but the *rouleaus*. The *rouleaus* were not all alike. There were in the box four ivory cylinders taken out of a dressing-box with a black leather cover, with guineas in them. He found a scrap of paper, which was taken out of the dressing-box. It was a direction to write by William Williams from Canterbury. On his cross-examination, the witness said he received the box from Mr. Ford, and in the joint possession of him and Mr. F. it remained ever since.

Mr. Ford was next called.—He was present when a small box was broke open. He had received it from Fugion and Revett at Bow-street. He saw a dressing-box with a black leather case broke open. They were not opened at Bow-street, and the Secretary of State ordered them to be brought to his office, where they were broke open. Binns immediately acknowledged his name, as did O'Connor. The particulars of Quigly's examination were taken down in writing. Mr. O'Connor declined answering any questions till he came before the Secretary of State.

Mr. *Fugion* was again called, and swore to the small heavy box being in his possession from the time he took it at Margate till he came to London. A smith was fetched to open the small box.

Revett assisted in carrying the small chest and dressing-box to London; and they were not opened till they came to the Secretary of State's Office.

Jonas King, Tide-waiter at Whitstable, saw all the prisoners; some at Whitstable and some at Margate. In February last he saw the goods, part of which he did not examine. *Quigly* said Colonel Morris had the key, and was going to the West Indies. He saw *Binns* at Margate, and told him he thought him the person he saw with the goods, and *Binns* seemed surprised that he should mention such a thing.

Thomas Hockless, a part Owner of the Whitstable Hoy—Saw *Quigly* before. He went to receive the freight from him. He paid the witness one guinea in the name of Colonel Morris, for parcels and passengers.

Henry Thompset, of Hoffham, in the County of Kent, Labourer, was at the Bear and Key, at Whitstable, on the 26th of February. He was in the tap-room where the servants were. One man in his hearing demanded a guinea and a half for the carriage of the goods; the witness said he would take them for a guinea, and agreed to it. Colonel Morris was not there at the time—but he (the witness) settled with Captain Jones to go to Margate.—Captain Jones walked along with him, and told the witness if he met Colonel Morris he should soon return to London, as Colonel Morris was going to the West Indies. Captain Jones asked the witness his business, and he told him what he was, and that the people of Whitstable were all in a bustle about these people, and did not know what to think of them. Captain Jones said, in conversation to him, that he had been at sea, and been commander of the *Morgan Rattler* in the last war. When they got to the inn at Margate he took out a coat, and gave it to his servant, *Allen*; it was something like the coat in Court, but he could not say it was it. The witness seeing *O'Connor* after this, said to *Allen* the servant, is that Colonel Morris? The other replied—"By Jesus I don't know;" and afterwards said—"By Jesus it is." Captain Jones gave him the guinea for the carriage of the goods.

Cross-examined by Mr. *Dallas*—He had no conversation of consequence with his sister as to the evidence he should give on this trial. He said he did not declare to his sister, that he would hang the prisoners, nor take away their lives if they had a hundred. Nor did he tell his sister nor any body else, that he was to get money for his evidence. He said he had declared he would not take 100l. from Mr. *O'Connor*; he would not take it for bribery. He knew no such woman as *Mary Morgan*. A brother of his from *Newgate* came, and offered him 300l. for going away, and not giving evi-

dence

dence against the prisoners; but he only heard his brother say that the prisoners wished him to go away.

David Affettin, a stone-mason at Gravesend---recollected having seen the prisoner, *Binns*. On Sunday the 25th of February, *Binns* came to his house at Gravesend, and mentioned the name of *Galloway*, whom the witness had known in London as a Member of the Corresponding Society. He only mentioned *Galloway's* name; and the witness recommended him to a horse, to take him (as he said) to Canterbury or Whitstable. The witness did not know the real name of the prisoner.

Nicholas Cloak, who keeps the Sun Inn at Canterbury---remembers *Binns* coming to his house on Sunday the 25th. He was asked to accommodate him with a bed, and to take care of his horse. The prisoner desired him to send to the Fountain for a letter or parcel directed to Mr. Williams; but there was no parcel. *Binns* said he was much fatigued with his journey, and asked when the Whitstable Hoy would be in. Letters were brought to the prisoner. One *Mahon*, who was with him, asked what he would do? *Binns* wished to go to Whitstable, and *Mahon* advised him to stay and take the morning. The witness never saw him after that till he was in custody in Canterbury, when he went to see him: and he told the witness that he knew nothing of him, and desired him with a deal of haughtiness to get out of the room.

Mary Lemon, servant to the last witness---said that he had slept at her Master's house on the above-mentioned night, but she could not identify his person. She called him at six the next morning. He went out, and she saw no more of him till between twelve and one o'clock. She said that Mr. O'Connor and *Binns* were the persons who came back; but she could not identify them in the Court. The witness was brought nearer to the bar, in order that it might be seen whether she could identify the prisoners. When she got there, she pointed to Mr. O'Connor as the person who slept at her Master's house, and persisted in saying so. After that, she pointed to *Binns*, and said, that he was the person who slept there.

Mr. Justice *Buller*---“ This woman is puzzled, and does not know what she says. I don't think it worth while to make an observation on her evidence.”

Mr. *Bardel*, an Officer of the Customs at Margate---Was on watch at Margate on the night of the 27th, and in the morning went to Mrs. Cricket's to assist in seizing the prisoners and the baggage, but heard no conversation between them.

Oliver Carlton, Esq. High Constable of Dublin -- Found certain papers in Leinster House, Dublin; the apartments of Lord Edward Fitzgerald.

Cross-examined by Mr. *Plumer*.---He believed Mr. O'Connor was in custody in the Castle of Dublin; that he had been a Member of the Irish House of Commons, and was nephew to Lord Longueville. He did not know when Mr. O'Connor left Ireland.

Mr.

Mr. *Abbot*, who lives in Cork, in Ireland--Saw Mr. O'Connor write, and believed letters shewed him to be his hand-writing. Those were the same which Mr. Lane spoke to; and were mentioned in the Attorney General's speech; one letter alluding to Maxwell, who was to go to Hamburgh---the black terrier, the little priest, &c. The paper that was proved to be in the razor-case was next read: in it the different names were explained: Williams was France; Bantry, Chesapeake; Dublin Bay, Honduras Bay; 1000 men, 1000l.; a ship of the line, a hoghead; a cannon, a jar; military stores, merchandize; horses, books; Paris, this place; L. O. Lord Fitz. &c. &c. Another was read, addressed to Roger O'Connor from Arthur O'Connor, stating that he had sold all his property to Burdett, and the rents were to be transmitted to Hugh Bell, and Sweeny was to collect the rents; it stated, that The Courier only was to be sent to Ireland, the Morning Papers being mere lumber, and it was useless to have any others for the Press. That nothing was worse than the state of the finances in England, and that Scotland was all Irish; and the people in England wished for a change, but would not strike.

Mr. *Carlton*, cross-examined by Mr. *Dallas*, said, that Mr. O'Connor was Editor of the Newspaper called *The Press*, and that he had arrested him and the persons concerned in it.

Frederick Dutton again called: swore to a Letter being the hand-writing of Coigly. The Letter was directed to Citizen Edward Fitzgerald, commonly called Lord Edward Fitzgerald.

Cross-examined by Mr. *Gurney*: He was asked how many informations he had laid, and if he had laid 50? The witness said, he could not tell; and threw himself on the protection of the Court.

Mr. Justice *Buller*--"I cannot see what he means by throwing himself under the protection of the Court."

Mr. *Gurney*--"He has good reason for doing so;" and observed that he meant to impeach his evidence by shewing him to be a common informer.

The witness then said he had laid no information.

Mr. *Garrow* did not think that a man's being what is called a Government Spy would impeach his testimony in the present state of affairs, when he might be only advancing the public justice of the country.

Mr. *Gurney* replied, that he never meant to impeach the testimony of one who advanced the justice of the country.

Mr. *Ford* again called--He took the examination of Coigly in writing; was present when the prisoners were examined before the Secretary of State. Some of them refused to sign them. He took down the examinations which were read at the time. Being cross-examined, he said the reason of their refusing to sign was not that of their being incorrect. Most prisoners when brought before the Council were desired not to answer, if they thought their answers would criminate them.

Q. From

Q. From Mr. O'Connor. Do you recollect that I objected to having my examination taken down in writing?—A. Yes, I do.

Q. Was not the written examination incorrect?—A. You said it was not exactly the same as you spoke it.

Mr. *Ferguson* asked if the prisoner Allen had been desired to sign his examination; and the witness was not certain.

The *Attorney General* asked what name Quigly gave? The answer was, Favey. [The examinations of Quigly was then read.] One was taken by the witness at Bow-street, and another at the Secretary of State's Office. He said he was in no particular profession; declined answers whether he was in orders. That he had no particular acquaintance with O'Connor. Did not know what name O'Connor went by. Examinant not in good health, and wished to good health, and wished to repair it by going to Margate. He denied the great coat and the paper in it. The dagger he bought in Capel-street, Dublin. He knew Evans in Plough-court, but did not know of his belonging to the Corresponding Society.

Mr. O'Connor's examination before the Privy Council was produced and read. It stated—That O'Connor had denied any knowledge of Quigly; that he had declined saying whether he was acquainted with Binns or not; that he had no intention to go to France; that he was not accountable for any paper found in his trunks, as he had not for some time had possession of the keys; that he knew of no paper of a treasonable nature.

Mr. *Ford* stated—That O'Connor had accounted for the military dresses found in his trunks, by saying, it was usual for persons who were not military men, to travel as such on the Continent.

Binns's memorandum book, containing the account of his expences from London to Gravesend, Rochester, Canterbury, &c. were next proved.

A passport, by which Quigly had travelled through France, was produced and read.

The different tradesmen who had furnished Mr. O'Connor with the military dresses, deposed to the fact.

Revett, the Officer, produced a book, purporting to contain the Declaration, Resolutions, and Constitution, with the Test of the Society of United Irishmen.

The whole was read at the particular instance of Mr. O'Connor, for the purpose, as he stated, of inducing the Jury to infer, that it was not possible he could have belonged to a Society of such a description as the United Irishmen appeared to be, without its being publicly and notoriously known.

It being near twelve at night, the Court adjourned till eight the next morning.

MAY 22.

Mr. PLUMER, as leading Counsel for Mr. O'Connor and Mr. Quigly, opened their Defence. He began by expressing the great degree

gree of anxiety which he felt; when he considered the nature of the accusation against the Prisoners; and the important consequences that must follow the decision of the Jury. It was impossible for him not to feel an uncommon degree of uneasiness when he considered the tempest of the present times; the place in which those Gentlemen were brought to trial, and the prejudices that had been industriously raised against them, not indeed by any of those Gentlemen concerned on behalf of the prosecution; but by a foolish, unprincipled and wicked man, who conceived that the Public had an interest in convicting the Prisoners. For his part, however, he was convinced that no improper conduct of this kind would warp or bias the minds of the Jury; and that they would do all which was required of them; which was to give a fair hearing; a thing that the Public as well as the Prisoners had a right to expect from them—because, in the decision of the present question, so far only as it related to matter of fact, the Public had a great interest; and a great stake. These were the general principles upon which every individual stood in a Court of Justice; and he was persuaded that the Jury went along with him in these principles. There was one subject which, in the outset, he must mention to the Jury. He had not been instructed to call in question the propriety of this prosecution. He would not attempt to complain of it; on the contrary; he was happy it had been made the subject of such minute investigation: and he conceived the Counsel for the Crown perfectly justified in probing the matter to the bottom—for by that means every thing was known that could be known—nothing was concealed—every fact relating to the guilt of the prisoners was disclosed—every scrap of paper that could be found, either in this or a sister kingdom, was brought forward and read: therefore the Jury could not convict the prisoners upon any latent suspicion that might, for want of full inquiry, be lurking behind. It was not incumbent on the prisoners to explain any thing; but it was the duty of the Counsel for the Crown to prove fully and clearly their charges; and if these proofs were not given, so that the case remained doubtful, then the Jury were bound to acquit the prisoners.—He was not instructed to palliate the dreadful offence with which the prisoners stood charged; it was his business to maintain that they had not committed any such offence. They were here perfect strangers—the natives of another country, from which they had been driven, and were at the same time endeavouring to get away from this kingdom also. Yet they were so convinced that they would be fairly dealt by, that they did not avail themselves of the power they had of separate challenges, but agreed to be all tried together.

The question before the Court did not involve any difficulty in point of law; for the law upon the subject was clear and settled. He could not help considering it unfortunate for Mr. O'Connor, that he was deprived of the talents of a Gentleman who had on former occasions been eminently successful, on account of this Gentleman being a witness; but he had the consolation to think that the case was so plain and simple as to be suited to humbler talents; and he had further the satisfaction to

know

know, that the justice of the cause would be forwarded by the great abilities of those eminent persons who presided in that Court. It was of great importance to distinguish what was the precise nature of the charge. The nature of High Treason was the imagination of the mind, which, the Law said, could not be known without certain overt acts. He then quoted the famous statute of Edward the Third, together with the explanations given of it by Lord Coke. He next dwelt for a considerable time on the observations made by Lord Hale; from which he drew this conclusion—that besides finding the overt act laid in the indictment, it was also necessary that the Jury should find that it was done with the intent charged—So that if a number of persons had agreed to go abroad to an enemy's country, and that was charged as an overt act of treason; the question to be decided was, whether these persons attempted to go with the *intent* of giving intelligence to the enemy, and inviting them to invade their country? In the present case, it was true that Binns did agree to hire a boat to convey the prisoners beyond the seas; but that alone was only a misdemeanor, and not treason. All the prisoners had done was to hire a vessel; and was it possible for a Jury to declare prophetically what they afterwards intended to do? The whole of the evidence brought forward—the quantity of luggage with which the table was then covered, went only to prove the intended journey of the prisoners. He would ask, whether it was established by evidence, that the paper found in a great-coat pocket was intended to be carried to the Executive Directory of France? and if it was possible to make out this charge against the person in whose possession it was said to have been, he would ask, whether that could implicate any of the other prisoners in the same charge? Each prisoner was certainly responsible only for his own acts; and he would ask, whether it was possible to press in this case any responsibility beyond one individual, who was alone implicated in the business, and on whom alone the paper was found? And it was impossible to connect any other persons with that paper, or implicate them in an ulterior attempt to carry it to France. But he would deny that this charge could be made out against any of the prisoners. With respect to the intended voyage, there were four persons who became fugitives from their own country; and that he would admit. There were only four, because he considered Leary as having no will of his own, on account of being a servant. He did not mean to conceal the fact, that these persons had fled from their own country in consequence of charges which were of a nature different from the present: and it was well known to the Jury, and every body else, that Ireland was in such a distracted state, that it was necessary for many persons who had taken a particular part in politics there, to leave the country for a time. Mr. O'Connor was a gentleman of an ancient and respectable family in Ireland. He had been a Member of the Irish House of Commons in the last Parliament, and had filled the office of High Sheriff for the county of Cork, with considerable honour to himself. He did not mean to defend the political opinions of Mr. O'Connor; for he had promulgated them himself in Parliament, in a manly

and open manner. With respect to his having been afterwards in a situation less honourable, by becoming the Editor of a Newspaper, and with regard to any improper conduct of his, that was not to become a subject of inquiry on the present occasion. Under every circumstance, he was advised to leave the kingdom, after having been in custody for six months, and then let out without a trial; because he feared that a second imprisonment, would be fatal to him. He must have dreaded the consequences of a second imprisonment, from the severe treatment he had met when he was first confined; and while he remained in the Tower of Dublin, he was fired at by two sentinels with ball, and had a narrow escape of his life.—Mr. Plumer then went into a detail of the conduct of Mr. O'Connor since his coming to London, and a description of the persons with whom alone he had associated from that time to his being arrested—men against whom, the paper found in the great-coat pocket had declared a decided hostility. Was it probable, then, that Mr. O'Connor would have invited the enemy to come and destroy his nearest and dearest connexions. He did not mean to conceal any part of this gentleman's conduct, which might, from the candour and openness of his mind, have been too unguarded; and that was the characteristic of the country in which he was born and bred. If he found it necessary to quit this kingdom, and availed himself of any means he could by associating with others, did it follow that he was going abroad with the same intent that might have led them to go away? It was more likely that he would have wished to go in company than alone, and particularly with his own countrymen. To shew the necessity of having the intent of their journey fully proved, he quoted a number of cases from Lord Hale and others, to point out the dreadful consequence of convicting men on presumptive evidence. He then commented at considerable length on the paper already mentioned. The account given of this paper was, that it was in the pocket of a great-coat, in a public room, in a public inn, at Margate; where there were many idle people; and any one putting his hand into a pocket from curiosity, might have found a thing which was to convict five men of death. To leave it, therefore, in that exposed situation, added to the probability that they did not consider it a weighty and important paper; and if such a body existed in England as the Secret Committee of England, was it to be supposed that, if they were wicked enough to address the Directory, they would not have done it in a different manner? But it contained no new advice, no new thought, nor a syllable of intelligence of facts, which the Executive Directory could not have had more correctly. They had their spies in this country—for that was stated by one of the Ministers of State: and as to the revenue, they had more accurate intelligence of all the finances of this country than the paper could give; for they could have got from the public newspapers, containing the statement of the Ways and Means, all such information more fully.—The only thing that could be valuable to them would be some facts they had not known before. As to the information about voluntary contributions, they must have known it better from the papers

pers in which the accounts were published. The Directory, knowing that near two millions had been subscribed, would not believe such a statement in this paper; they would have told the messengers that they came to insult them by telling such a lie. But further, the paper, on the face of it, was so absurd, that nobody could believe it was ever intended to be carried to the Directory. The army there was said to be called upon to contribute, and that the majority was compelled to it. The majority compelled! who could compel them? Could the minority do it? It was impossible; and the thing carried a palpable contradiction on the face of it. Therefore such intelligence must have defeated itself. But there was stronger evidence to shew the falsity of it; it was said that the paper was to induce the French to invade this country: but it would have a contrary effect—for they would say it was a fraud and trick to induce them to come here. It was plain that the paper was written by some persons (if they were serious) who were distinct from all the various parties in the kingdom—written by some desperate person or persons, who even declared hostility against all who ever took a part in opposition to Government.

It did not hold out a hope that the French would be received by any one of rank or consideration in this country. If ever France could harbour a hope that one of the Opposition should co-operate with them, that paper would shew that their hopes had been delusive, for the paper declared open war against all men of Opposition. The paper said there was no leader, and that the rich were not with them; and some Parliamentary speakers, who even declared themselves friends to Democracy, were told in it that they should never be trusted; they were called impostors. There was, then, a direct attack upon them: not one among them was worthy of confidence; and they were to be all buried in one general wreck, and marked out to the vengeance of the enemy, and some of their countrymen here, if any were idle or weak enough to write such a thing. Was it then, holding out encouragement to an enemy to say, that all the rich and respectable were united against them, and that they had none but the lowest dregs of the people to assist their invasion? Was it possible that more discouraging intelligence than this could be sent? No! And all the world knew, that when this wealthy country, where wealth was so equally distributed, was united, no power could prevail against it. He contended that the evidence did not prove the paper intended certainly to be delivered to the Executive Directory: it was a matter of doubt whether it was intended, and matter of doubt ought always to produce acquittal. He said, it did not follow, because several persons were in the same vessel, that they all had the same design; and if one was to be responsible for what another might have about him, it would be dangerous for any man to trust himself in company with others, without first searching their pockets, to discover if they contained any thing treasonable. The suspicion which arose from O'Connor and Quigly denying any knowledge of each other, or of the property, he imputed to that apprehension natural to persons who had already suffered imprisonment, and were anxious to avoid a repetition

of it. He commented at large upon the cyphers used by the prisoner O'Connor, observing, it was doubtful what was meant by them—whether they related to transactions of a public or private nature. He said, the paper itself furnished sufficient evidence that Mr. O'Connor was not connected with it; it traduced those dear and valued friends who had clung to him throughout his long adversity: it likewise stated the person who was to present it to the Executive Directory had been with them before—Was this the case with respect to Mr. O'Connor? It was not even imputed to him. Mr. Plumer finished his elegant harangue, by trusting the verdict would be such as the Jury would reflect upon with satisfaction to the latest hour of their lives.

Mr. GURNEY, Counsel for Mr. Binns, said, he rose under extreme difficulty, in consequence of that degree of prejudice which had been raised against the prisoner at the bar; but the consciousness that he had to defend an innocent man, prevented him from being dismayed. He inferred, that the paper found in Quigly's great-coat pocket could not have been intended for any treasonable purpose; as, in such case, it would have been preserved with secrecy, and not left loose in a great-coat pocket, hanging over a chair, in a public room, in which twenty or thirty different persons had access in the course of the day. He contended there was no evidence to prove that Binns had any knowledge of such paper being in the possession of Quigly; and, therefore, if by his conduct he had been guilty of any offence, it was merely that which was referred to by a late Statute, and consisted in the act of hiring a vessel with intent to depart the realm, and was punishable as a misdemeanor with six months imprisonment.—This point was urged by Mr. Gurney with great force, and he particularly desired the Jury to keep this distinction in their minds, when considering their verdict, that the offence of Binns, if he had committed any, was a Misdemeanor, and not High Treason.

Mr. FERGUSON, Counsel for Allen, next addressed the Court. He observed, that with one of the prisoners (Mr. O'Connor) he had long lived in the habits of the most endearing intimacy and friendship, and consequently must be supposed to look with peculiar anxiety to the result of the Trial. He entered into a discussion of the Law of Treason generally, and made many comments on the cases of Lord Preston and Mr. Aston, who were tried for High Treason soon after the Revolution. He then justified the conduct of Mr. O'Connor, in endeavouring to leave these kingdoms clandestinely, by shewing the oppression exercised towards persons who were adverse to the existing Government of Ireland. He stated, that to be suspected was to be imprisoned; and happy would it be if a trial followed imprisonment; but such was the system in that country, that persons were taken up and confined without any intention of being brought to trial. The prisoner, Mr. O'Connor, had been so treated; and it was natural for him to wish to avoid a repetition of that oppression of which he had already been the victim.—He was proceeding to state how much even innocent men had to dread,
and

and, in support of his assertion, was referring to the Trial of Mr. Orr, lately convicted, when he was interrupted by

Mr. Justice BULLER, who said the Court could not possibly hear any thing relative to a trial in Ireland.

Mr. FERGUSON then confined his observations to the particular case of Allen, inferring, that he was a distressed Irishman, who had left his country in consequence of the state of its politics, and was glad to get an opportunity of going abroad in the capacity of Quigly's servant; that he was in no respect privy to the possession of a paper of a treasonable tendency, by Quigly, his master, or any of the party; that privy of knowledge was necessary to constitute guilt; and consequently, if there was no such privy of knowledge, that Allen ought to be acquitted. He concluded by conjuring the Jury to reflect on what dreadful evils would fall upon the country if the prisoners were found guilty, and he trusted they would not be the first to open the scene of blood.—Mr. Ferguson spoke with great ability; his style was energetic—his manner impressive, and his zeal throughout the trial was such as did honour to his feelings as a man of independent mind.

Mr. SCOTT next rose, and addressed the Jury nearly as follows:—Gentlemen, I have the honour to be Counsel for that excellent and innocent man, Jeremiah Leary, who as I take it, has been most wickedly and wantonly thrust into this indictment. Gentlemen, Jeremiah Leary is the servant of Mr. O'Connor, and what evidence can he (a servant) call to prove that which must be evident to the whole world, *his innocence*? Gentlemen, it is impossible he should call any. What then? Is he to have no defence? Is he to sink under the weight of this accusation? No, Gentlemen; he shall not fall a victim to the cruelty and inhumanity of this charge; and I am justified in calling this a cruel charge—for in the whole history of the legal proceedings in this country, even in the very worst of times, there never was an instance of a servant, under such circumstances, being put upon a trial for his life for High Treason. Gentlemen, I will call evidence in this boy's defence, and such evidence as shall make his prosecutors blush: I call this very indictment—I call that evidence which his prosecutors, to their everlasting disgrace, have brought to take away his life. And look you, Gentlemen, what does it prove? Why, it proves that he was a servant, and that he obeyed his master's orders: it proves, moreover, his complete ignorance of this whole affair; the boy knew nothing, and therefore could tell nothing. Good God, Gentlemen, what is his crime? That he is a servant! And for this has this poor lad been indicted for High Treason, and now stands a prisoner at your Bar, trembling for his life.—Gentlemen, this is the whole of my case. It is very plain, and very short. Jeremiah Leary was a servant, he packed up his master's things, and followed him, and did as he was bid. He knew nothing against his master, and could tell nothing. Indeed from what we have seen of this trial, neither he nor any other man could have told any thing against him. But, however strongly I may feel inclined to enter upon the innocence of the other Gentlemen at the Bar, that is

not

not my duty—that task has been wisely improved upon by my excellent and learned Friends, who are men of greater learning, greater talents, and greater experience than myself—one of whom has already done himself immortal honour, and I know it is out of the power of the other not to do the same. All that I have to say to you, Gentlemen, is this—that if, from the evidence which the Crown has brought against this boy he should be convicted, to my latest breath I will never cease to think that it is the cruelest murder ever committed in England !”

The following witnesses were then called for the Defence.

Jeremiah Hasset, Keeper of the Round Tower in the Castle of Dublin, sworn.—He remembers Mr. O'Connor being kept in close confinement there. He was suffered to see two friends, and no other. He recollected two shots being fired at the part where he was confined, in the month of June last. He was leaning over the parapet wall, and Mr. O'Connor two stories under him. The shots were fired by two Highland Fencibles at the same time, about seven o'clock in the evening. The first man having fired, turned round to the other, and bid him fire also. From that time Mr. O'Connor did not go to the window to look out.

Mr. Stuart sworn.—He was shewn the letter which Mr. Lane swore was Mr. O'Connor's hand writing ; and being asked if he supposed it was, he did not think it was, but was not certain. Witness had been a Magistrate in Ireland. He knew Mr. Quigly, who lived in Dundalk, in the county of Louth, in Ireland. There were societies of Orange, or Peep o'Day men in that country, and they destroyed the house of his father ; they committed great outrages. As far as he knew Mr. Quigly personally, he was a good moral character ; these Orange outrages were going on these ten years back.

Cross-Examined by Mr. Garrow.—He knew a great many who told him they were United Irishmen. Mr. Quigly called on him in London, and said he was in distress, and asked him for money, which he gave him, and that was the only connection he had with him lately ; the witness knew Mr. O'Connor. He had been on an intimate footing with Mr. Quigly. The witness sent the letter to Quigly in Plough-court, in answer to his application : he knew Mr. Quigly was a priest ; but he told him he went by the name of Captain, and witness addressed him in that way. The last place the witness saw him in Ireland, was in the county of Down, about a year ago. He did not know that Quigly had ever been on the Continent.

The Earl of Moira sworn.—His Lordship had a little knowledge of Mr. O'Connor : he once conversed with him on political subjects ; and being asked if he knew what his political sentiments were ;—*The Solicitor General* objected to this question, as it only related to one conversation. Lord Moira did not feel himself competent to speak to Mr. O'Connor's general character ; for he had but one particular conversation with him, which his Lordship was going to relate—but the Court would

would not allow this evidence to be given—Mr. Plumer contended it was fair evidence—Mr. Justice Buller said, that if a man was indicted for murder, one could not give in evidence a particular act of humanity. So this evidence could not be admitted.—Mr. Garrow said, if that was admitted, a man might on a particular occasion assume a character for the moment. Mr. Justice Buller—Mr. Garrow, you are arguing on a point that the Court has already decided. His Lordship had heard of a person of the name of Dutton, but did not know him. Being asked about his general character, Mr. Garrow objected to the question, as Lord Moira had said he did not know Dutton.—Mr. Dallas contended, that one could know the general character of a man without being personally acquainted with him.—Mr. Justice Buller wished to know, how Lord Moira could be asked a question to character, when he said he knew nothing about the man?—Lord Moira then retired.

Cornelius Kettle, sworn.—He knew Henry Thompset. He had heard him say he conveyed the prisoners from Whistable to Margate, that they paid him handsomely. As he was coming back he met a man who was in pursuit of the prisoners. He said it would be a good job, and he would not take 100l. for it.

Cross-examined:—He is a clock and watch-maker. This conversation with Thompset happened about a week after the business happened, at a public house. He said there was a reward affixed for taking them: Thompset said he had been to London, and there was rare living there: good wine was a good thing in a man's belly. There was a great-coat, which he supposed belonged to some of them. He said it contained matters of very great importance, such as a printed letter, being an Address to the French Directory. He was asked if he knew any thing of the coat, and he said not, nor could he swear to it. The witness was applied to on Saturday last by a Mr. Bonney, to come and give evidence. He did not recollect his mentioning the conversation to any body since. Nobody else heard the conversation, as they did not speak loud. Thompset said he was allowed something; that he had been before Pitt, Dundas and White; told them he was a smuggler, and that they settled on him six guineas a month till the trials were over. Then the witness told him—"my poor man, they will nurse you."

Mrs. Sarah Job, sister to Thompset.—Remembered seeing Thompset at her house the day the prisoners were arraigned. The witness had sent for him to speak to him about his children; and then she asked him what he meant to do with the prisoners? Says he, "Hang them, to be sure." "I hope not," said the witness. He then said, "If they had 100 lives, I would take them all."

Cross-examined by Mr. Garrow:—And she said she had sent for Thompset to ask about the prisoners, because her brother's children, hearing they were to be hanged, were afraid they would see their ghosts. She knew a Mr. Beck of Canterbury, and Mrs. Beck; but did not know whether she was related to any of the prisoners. The witness was not subpoenaed till last Sunday.

Mary

Mary Morgan, servant to Mrs. Job:—She heard some words passing between her mistress and Thompset on the 9th of March. Her mistress asked what he had to say concerning the prisoners; he said he would hang them; after this the witness left the room.

The Hon. Thomas Erskine sworn:—He has known Mr. O'Connor these three years, and knows a great number of his friends in the country with whom Mr. O'Connor lived principally. They were persons of high rank, with whom he (Mr. E.) acted in Parliament, and spent much of his time. Mr. O'Connor had been with these persons, and visited them on the most friendly footing for these three years past. Being asked as to Mr. O'Connor's character, he said he had the best character that any man could possess. He was a man of the strictest honour and integrity, and one who had made great sacrifices to what he thought was right. If there appeared any prominent feature more than another in his character, it is a noble mindedness, and a high spirit of honour; and he thought himself bound to declare, that he had ever considered him incapable of acting with treachery to any man, and especially to any man he had a regard for. Mr. Erskine knew him to have been in the constant practice of professing not only a regard, but admiration and enthusiasm for the persons whom he associated with. "I never found him (said Mr. E.) so help me God! to altar that regard; I never knew him have any other connexions; nor did I know of his professing political principles different from me—I never had any reason to think that his principles differed from my own, as well on public as on private subjects." He saw Mr. O'Connor in January last in his own house. [Until he received permission from the Court, he would not state any conversation that passed.] He might have defended him as Counsel, were it not that he thought his evidence would be more useful. He advised Mr. O'Connor in January last to leave this kingdom any how. It was a short time before Hilary Term when he did so. He was positively certain of it. He did not believe Mr. O'Connor had any other connexions.

The Hon. Charles James Fox was next called and sworn:—I have known Mr. O'Connor very well these three or four years, and had occasion to see him frequently, and conversed with him frequently, on political subjects. He lived chiefly with my friends who are called the Opposition, and he also lived in esteem and confidence with me, and I believe with others. I always considered him as a person well-affected to his Country. I considered him as a man highly enlightened, and firmly attached to the principles which seated the present Family on the throne, and to which principles we owe all our liberty; I am acquainted with Lord Edward Fitzgerald, who is a near relation of mine. I believe Lord Edward Fitzgerald was anxious to go to France relative to some private affairs concerning his wife, who had property there. Knowing the political state of that country, and that a law against going there existed in this country, I advised him not to enter the French territory on any account, if he went on the Continent. I can describe Mr. O'Connor to be one of the openest characters I ever knew; he was perfectly open in his friendship.

Crofts.

Cross-examined by the Solicitor General.—He did not see Mr. O'Connor write. I and my friends always approved of what Lord Fitzwilliam intended to do in Ireland towards the Catholics; but I was always of opinion, and am still, that the concessions to the Catholics would be of no use without extending to Protestants what they had a right to. It was my opinion, that it would be for the happiness of Ireland if Presbyterians and Catholics were united. Mr. O'Connor almost always conversed on Irish Politics.

The Earl of Suffolk sworn.—I knew Mr. O'Connor this time eleven years; I have known him since; but have seen him on few occasions. I got acquainted with him in Ireland, on my passage from Dublin to Cork, to my regiment. When I met Mr. O'Connor, I was struck with his manner, which was extremely gentleman-like. We travelled together, and I had a very friendly communication with him. I conversed chiefly about Ireland. About two years ago I had a conversation with him, and saw so much of him that I told Lady Suffolk I had met with one of the most extraordinary young men I ever saw. I so much admired his political character, that two years ago I introduced him to the Duke of Norfolk, the Bishop of Llandaff, and Serjeant Adair.

Mr. Sheridan was next called and sworn.—I have known Mr. O'Connor these three years past, and have frequently seen him since. I never met him in any company but that of the respectable gentlemen of opposition, with whom I associated; and, from the opinion I had of his principles, I always conversed with him on political subjects without any reserve. His character was remarkable for its openness; he conversed on the politics relating to both England and Ireland with great frankness. But he often spoke about Ireland. He concerned himself so much about the grievances of that country, that he wondered how the people of England could complain of any. My regard for him continued to the very last time he was with me. I then advised him not to remain in this country. I know of Lady Edward Fitzgerald, who had once been called Pamela, having had a property in France, which the said Edward Fitzgerald could never recover. I had opportunities of knowing this circumstance from the Lady with whom Pamela had been brought up. It had been intended to sell this property.

Cross-examined by Mr. Garrow.—He said he never knew of Mr. O'Connor having been acquainted with a man of the name of Captain James, nor was any such person ever introduced to him by Mr. O'Connor; but Mr. O'Connor said, that if he should be obliged to leave the kingdom, he must form some connections for the purpose of getting away, which he would not wish to form. He believed he might have met the prisoner Binns at some public meeting, but had no acquaintance with him. He never knew Mr. O'Connor under a fictitious name. He never met any man in his life who so much reprobated the idea of any party in this country desiring French assistance. The Attorney General objected to this answer being given; but Mr. Sheridan said, he had been guilty of a most unpardonable neglect in not mentioning the circumstance before. He never saw any change in Mr.

O'Connor's political conduct, except that of his being driven from his own country and friends, and his endeavouring to go abroad.

His Grace the Duke of Norfolk was then called and sworn.—I saw Mr. O'Connor at different times. About two years since he came to me to converse about a speech he had made in the House of Commons in Ireland, and from a wish expressed by me to be acquainted with him. From what I know, I consider him as a Gentleman warm in the political line, and attached to the Constitution in the same manner as myself.

Mr. M. A. Taylor.—I have been acquainted with Mr. O'Connor these three years; I first met him in the society of those honourable men, with whose political opinions I agreed, and shall continue to agree; my opinion of his political principles was, that he was attached to the principles which placed the King on his Throne, where I hope he may long continue. I did not know him lately, from an accident that had befallen me; from all I know of him, I think him the last man who would favour an invasion of this country; his friendships were exceedingly strong: I looked on him in private life as a man of the most amiable manners.

Mr. Grattan, of Ireland, sworn.—I know Mr. O'Connor since the year 1792 very well; never had an opinion that he would favour an invasion of his country. His private character was a very good one. He was formerly a Member of the Irish House of Commons, and I at the same time. His character was open and unreserved.

Lord John Russell.—I am acquainted with Mr. O'Connor; I knew him in 1796, and this year; I always had a very high opinion of his principles, which were sound, rational and constitutional. I never had occasion to discover that he would favour an invasion of the French. Mr. O'Connor was always treated by those persons with the same respect. It is a common practice for Gentlemen going abroad to travel in a military dress; I did so myself in 1795; it is a convenient practice.

Lord Thanet sworn.—I was acquainted with Mr. O'Connor, I had the highest opinion of his political character, and never observed any change in those principles. I never heard any thing that could lead to a wish to invade this country. I have travelled on the Continent, and had regimentals, though never in the army.

Lord Oxford sworn.—The character of Mr. O'Connor was that of a perfect loyal man. I never observed in him any disposition favourable to the French. I do not know any of the other prisoners.

Mr. Whitbread sworn.—I know Mr. O'Connor, his character amiable, and his political principles the same as my own. From the conversation I had with him, I collected that he was a friend to the Constitution of this Country, and wished its abuses to be reformed by Parliament alone.

Several other witnesses were then examined in support of the Defence.

MR. DALLAS commenced his general defence on behalf of all the prisoners, by observing, that his solicitude was beyond what he had ever experienced.

experienced. If the Gentlemen of the Jury would consult their own feelings, they could have no difficulty in giving him credit for the assertion, when they reflected on the magnitude and importance of the charge, and that the life or death of five persons depended on the defence to be made for them. The charge was High Treason; an offence, not consisting of acts of an equivocal nature, which to one person might appear to be High Treason, while to others they might appear to amount to a crime of a different nature—but of acts, which, if sufficiently proved in evidence, must be considered to amount to High Treason—and, if there could be degrees in that crime, to the very worst species of it. It had been truly said, that in proportion to the magnitude of an offence, so ought the evidence to be plain and clear; and nothing but complete demonstration, amounting to what he would call moral certainty, could justify the Jury to their own Consciences, to their Country, to the Prisoners, or to God, in pronouncing that verdict against them which would have the effect of depriving them of life. This was not a rule of evidence drawn from abstract matters of law; it was not a maxim of rhetoric; not a technical refinement; but it was the unerring and leading principle of eternal justice; and the volume in which it was indelibly written, was the heart of Man; and, fortunately for the subjects, the written Laws of this land, with the commentaries of the most enlightened Lawyers, and the decisions of the most learned Judges, were but so many splendid proofs of this immutable principle. The Statute on which the charge was founded, bore testimony of it in its hallowed pages, written in plain and legible characters. Its words were, who shall be attainted of open Treason? None but such as are attainted *proveably* by persons of their own condition—not on probable, but *provable* evidence. Mr. Dallas referred to the writings of Sir E. Coke and Judge Foster on this subject, illustrating their observations by arguments from Locke on the Human Understanding. He divided the charge into three distinct grounds of consideration, namely, the charge itself, the law on which it was founded, and the evidence in support and in defence of it. The indictment contained the charge, and consisted of two different sorts of treason, compassing the King's death, and adhering to his enemies: he admitted that adhering to his enemies, was, in point of law, compassing his death, on the principle that every man must intend that which was the probable consequence of his act. The indictment stated the offence in different ways, but they were all reducible to this one charge of adhering to the King's enemies; in proof of which various overt acts were laid, none of which he contended, were material, except the overt act relative to the paper-writings. With regard to the overt acts of hiring vessels, they were but the means of carrying the other into effect. The count in the indictment to which he alluded was, that the prisoners at the bar conspired, consulted, and agreed together, to procure and obtain a certain paper-writing to be conveyed to the King's enemies, to induce them to invade this kingdom; and this in fact constituted the whole of the charge. As to the facts of the case, he admitted the prisoners at the bar were

about to embark on board a ship, with the exception of Binns : and that in the great-coat pocket of one of them was found a paper, which was of a description to maintain the overt act in the indictment against him, provided it was made out in proof that he had the conscious possession of it, and intended to convey it to the Executive Directory ; beyond all doubt, the overt act in such case would be established ; but then the question would stand on different grounds with respect to the other prisoners. Mr. Dallas then reviewed the conduct of Quigly and the other prisoners, separately and distinctly. With regard to Quigly, it appeared he had been obliged to quit Ireland, it being unsafe to remain there ; that he had left it subsequent to the 14th January last ; that it did not appear he was connected with any societies in London : as to his assumption of a false name, it was natural that a person, who had left his country, should wish to remain unknown. The only evidence against him was, that this paper was in his great-coat pocket ; it had not been proved who gave it him, for what purpose he had it, or whether he had ever read it : it appeared it was loose in his pocket ; that he had not had the common precaution to conceal it, though there was every probability of its being sought for. With respect to the other prisoners, Mr. Dallas reviewed the evidence as it affected them ; but he conceived it too slight to render it necessary to add much to the observations already made in their favour.

Mr. DALLAS, concluded his very able and eloquent speech in the following manner :—" Gentlemen of the Jury, I have now gone through all the circumstances of this case. Throughout the whole of the observations I have made, it has been my wish to address myself to your understanding only. I have not attempted to make any appeals to your humanity. I have not endeavoured to rouse your passions, because, though the laws of every civilized country permit such arts to be used by the Counsel for the person accused, while at the same time they rigorously forbid them to be used by the prosecutor, I was conscious that this case did not require them to be exercised.—But allow me to remind you, Gentlemen, that in a very few moments, comparatively speaking, you will have to pronounce whether five men, who stand now before you, shall live or die. May that Great Judge before whom we must one day all appear, fill your souls with mercy and benevolence !—May he so enlighten your minds, and so incline your hearts, that, when hereafter you shall have occasion to reflect on the decision of this day, it may be such as you will always recollect with satisfaction—such as may give you comfort in Life and Consolation in Death, Peace in this World and Happiness in the next."

The ATTORNEY GENERAL then addressed the Jury. He observed he had carefully avoided saying any thing on his opening this prosecution, which might tend to inflame the passions, or create any kind of prejudice in the minds of the Jury, and he should pursue the same course in what he was again about to offer to them. He then entered generally into the evidence ; took notice of the attempt that had been made to contradict the testimony of that *set*. But if even that had been
done,

done, the case was not in the smallest degree affected by it, as Thompson's evidence could have been dispensed with. His learned friend had that day admitted that the prisoners, O'Connor and Quigly, intended to go to France, and then observed, that Mr. O'Connor would not be base enough to have any thing to do with so foul a paper as that found on Quigly; and he contended that the paper was so absurd, that it could not have been intended to be carried to the Executive Directory. Mr. Quigly appeared to have been in France, in Flanders, and in Holland, from the month of August till December. He was in Ireland afterwards. He had not accounted for his being in those places. He gave no account why he had gone to Ireland after his return, nor any account of his correspondence with Lord Edward Fitzgerald. It was clear, that from the evidence given yesterday, there was not one word of truth in the examination he gave before the Privy Council. After John Binns had set out from London, and before his return to town again, Quigly and O'Connor dined with Mr. Bell, which shewed they had a connection together. The people of the house at Margate stated, that no baggage was brought there by any other persons than the prisoners, and that the great-coat did not belong to any body else about the house. The paper addressed to the Directory was found in a pocket-book among several other papers which appeared to be Quigly's. It was dated about four days before the time Mr. Erskine said he had given advice to Mr. O'Connor to leave the kingdom. The language of this paper was such, as was calculated to be addressed to Frenchmen; it was in their style and manner. If it was false, how could it be considered that it was less an act of High Treason on that account? for the man who could convey it did all he could, and his guilt was complete, whatever the Directory might think of it. It was the credential of this man to the Directory, and shewed that they might communicate with him on the subject. Now, however painful it was to him to bring this home to Quigly, he felt it his duty to do so. As to the case of Binns, if the Jury were convinced that he knew of this paper, they must also consider him as guilty; he gave no evidence as to his connection with these persons. It was clear that he had a connection with those people; but he gave no account of it, nor did Mr. O'Connor explain his connection. He then went over the particulars of the evidence relating to Binns, commented as he went along, and said, he was entitled to state that Binns had been actively employed for the people. If it was the intent of both O'Connor and Quigly to convey their separate papers to the Executive Directory, they had both a design of inviting the enemy to invade this country. Now as to the character given of the prisoner, certainly in all doubtful cases it ought to have weight. But if Mr. O'Connor did not mean to convey this paper of cyphers to France, or did know of the other papers, there never was a man in a more suspicious situation. He was in the company of such persons—he was in company with one who was necessary to him. How could he want Binns? and if he did, what occasion had he to take Quigly with him? Thus Mr. O'Connor, with an innocent purpose, coming to the inn,

disowned

disowned his property. If his real purpose had been to leave this country, would he not have said so at the Secretary of State's Office? He would have said he was going to avoid a prosecution in Ireland, confessed he had so much money and baggage, and made that fair explanation. But that was not his conduct; he was examined there, and his depositions taken down; he corrected them, and they became the declaration by which he meant to abide. Then it plainly falsified the whole of the defence set up that day. The conclusion of this must be, that Mr. O'Connor knew that Quigly had the paper, or of his carrying some other intelligence to France. As to the letter to Lord Edward Fitzgerald, was it possible that some rational account could not have been given of it? From the cypher to Williams, it was most clear that Mr. O'Connor was going to France. As to the letter relating to Ireland, it had not any reference to Lady Edward Fitzgerald. It was impossible to say it could have any connexion with domestic transactions, it having only a relation to Ireland; it stated, that the English, Irish and Scotch were sitting together; and that an Invasion of England would be favoured by an attempt. It appeared that Mr. O'Connor was living at large in London, before he entered on this business. The advice of Mr. Erskine did not seem to have been acted upon, for he did not try to get himself away, but to send off three young men; and that Maxwell should go by Hamburgh. It should be considered whether Maxwell was not there himself. As to Allen, who personated a servant, it was not very likely that Quigly was in a condition to keep a servant; he certainly then did assume a false character; as to Leary, he was not in a false character. But the Jury would recollect, that he took an active part in the transactions of his master and the others, and that he denied the property as well as they did.

The Prisoners were then severally called upon to state what they had to say in their defence.

MR. COIGLY.—“Gentlemen of the Jury, It is impossible for me to prove a negative: but it is a duty I owe to you, and to myself solemnly to declare, that I never was the bearer of any Message or Paper of this kind to France, in the course of my life. That Paper is not mine; it never belonged to me. It states that it was to be carried by the bearer of the last: this is something which might have been proved, but it is impossible for me to prove the negative. There is also in this paper an allusion to secret committees and political societies. I declare that I never attended any political society whatever. With these considerations, I consign my life to your justice: not doubting but that you will conduct yourselves as English Jurymen ever do, and that your verdict will be such as shall receive the approbation of your own Conscience, your Country, and your God.”

MR. BINNS.—“When I reflect upon the manner in which the evidence has been commented on by my Counsel, I should think it would be insulting your understanding and discrimination were I to trouble you with any observations of mine.—Conscious of my innocence I leave my case intirely with you.”

Mr.

Mr. O'CONNOR.—“ I have been so ably and so eloquently defended by my Counsel, that I am not desirous of adding a word to what they have said. I rest my case with the Jury, as they have stated it.”

Mr. ALLEN.—“ I do not think myself called upon to address the Jury—I have not seen any thing in the evidence tending to criminate me.”

COURT.—“ Has the other prisoner any thing to say to the Jury?”

LEARY.—“ My Lord, they may do what they like with me.”

Charge to the Jury.

Mr. JUSTICE BULLER said, this was an indictment against the five prisoners at the bar, and their offence was High Treason. The charge consisted of three species of Treason, compassing the King's death, adhering to his enemies, and compassing and intending to move and stir up certain foreigners and strangers to invade the kingdom; and a great number of acts were alledged against each, to prove them guilty of this crime. The first overt-act was, that the prisoners conspired to raise rebellion against the King, and to incite hostile invasion. There are five other overt-acts, relating to the possession of a paper, which he would state more at large, and also another allegation, stating their endeavours to go beyond seas to persuade the French to invade this country. The learned Counsel on either side had not attempted to mistake the law to the Jury—indeed they were incapable of so doing. On the paper it was impossible to put but one construction. It imported that the minds of the people were prepared to join in any invasion; it insinuated, that the country was divided, that it was a bankrupt in its finances, and that no hope was entertained, but by the appearance of the Hero of Italy, with the Army of France. Who the Hero of Italy meant, no one could doubt. How it could enter the mind of any man, that if a French Army came here, and got the better, they would be induced to return to their own country, and leave us in possession of this, was a matter which raised great astonishment in his mind. No conduct of the French towards any other country could ever have justified such a supposition. The obvious intent of the paper was to induce the French to invade this country, under an idea that the mass of the people would rise in their favour. It stated, the country was undone in its finances; it held out every inducement to the enemy to come, and assured them if they came they must succeed. With regard to the paper, he did not know how to express a better opinion than in the language of that great Judge, Lord Holt, on the trial of Lord Preston; a trial which had been much relied on by some of the Counsel upon this occasion: a paper was produced to the effect of the one that was produced here, but couched in such desperate terms; and, speaking of it, his Lordship had said, “ This is a terrible document, and if any person had this in his possession, and was going to France, to make use of it, it is treason, though he did so under the specious pretence of restoring the people to liberty; in short, it is manifestly designed to persuade the French to invade England.” And (continued Mr. Justice Buller) so he said. Here the expressions were applicable, in the utmost extent; and whoever had this
paper

paper in his possession, intending to convey it to the enemy, was guilty in every part of the indictment; he was guilty in the part which charged him with compassing the death of the King; he was guilty of the part which charged him with adhering to the King's enemies; he was guilty of the part which charged him with conspiring to incite strangers and foreigners to invade the country. If so, there was not a single matter of law to state to the Jury. Then the question was, did all or any, and which of the prisoners, engage in the design of carrying this paper to France, to induce the French to make an hostile attack on this country? To enable the Jury to answer this, he would state the evidence given against the prisoners, and the application of it to each, in order to draw the attention of the Jury to their cases distinctly; for it had happened, as had been justly observed by one of the Counsel, that there had been evidence given extremely strong against some of the prisoners, which did not effect the others. [*Here the Learned Judge read the treasonable paper, and recapitulated the whole of the evidence.*] He then proceeded to state, that if this evidence proved the facts, there could be no doubt as to the verdict to be given. To consider it, then, first, as it applied to Quigly. It was proved he had denied the great-coat, in which this paper, with the pocket-book, was contained. This was suspicious conduct, to say no more of it: why did he deny it if he was not afraid there was something in it that there ought not to have been? Then what was his general character? He had been filling the different characters of Priest, Captain and Merchant, going to different countries. It had been said he was obliged to leave Ireland, for the sake of his personal safety. If so, why had he not left it ten years ago; for the cause given for his apprehension, it was proved, at that time existed; then what was to be inferred from the words of the paper?—It stated, “the Citizen who was the bearer of them before.” Who was so likely of the five persons to have been that citizen as Quigly? It had not even been insinuated that any of the other prisoners had been there before, and it had been proved by the circumstances of the pass, that Quigly had been at France. Mr. Justice Buller then referred to the conduct of Binns. He had used great expedition in procuring the vessel, and he stood equally suspicious in changing his name; but that of itself was not High Treason. It was necessary he should have been acquainted with the possession of the treasonable paper, and of this there was no positive evidence. As to his undertaking that the vessel should return, and depositing 300 guineas to insure it, he might have done so, knowing Mr. O'Connor's anxiety to get on board, and that probably he would not mind forfeiting the money; that a few hundreds were no object to him, compared with the event of getting away. With respect to Mr. O'Connor, he stood in a different situation from the prisoner Quigly; to his character some of the most respectable persons in this kingdom had borne testimony; and character was of weight where the evidence was doubtful. Certainly, no part of the evidence ascribed the knowledge of the existence of the paper to O'Connor. He had acted imprudently; he had at first denied all knowledge of Quigly; this was
wrong

wrong. There was one circumstance much against him ; why did he not go to Hamburg, when he had the opportunity ? It seemed going to France was the *sine qua non* of his departure. The possession of the key to the cyphers was an awkward circumstance against him, though the way it had been accounted for might be true. It was a favourable circumstance that he had not been proved to have been a member of any political society in England or Ireland. It was plain O'Connor could not be the person alluded to as the Irish delegate, sitting in the Committee ; he never had belonged to the Society of United Irishmen : as to his writing to Lord Fitzgerald, that when he got to Paris he would be active, it was possible he might mean what he had stated in his defence. It was also a very favourable circumstance, that O'Connor had made up his mind to go to the Continent before the paper existed. With regard to the other two prisoners who had all along acted as servants, one of them was admitted to be the servant of O'Connor, and the other had not been proved to have been in any other capacity than that of servant to Quigly. Their situation, therefore, precluded the probability of their being entrusted with the knowledge of the contents of such a paper. Having made these observations, his Lordship said he trusted he had discharged his duty to the prisoners, the public, and the Jury.

At half past one, the Jury having retired about half an hour, returned a verdict of *Guilty* against O'Coigly—*Not Guilty* against all the other Prisoners.

After the Jury had given in their verdict.—Mr. Justice Buller, in his address to Quigly, which he read from a written paper, previous to his passing sentence, observed, that he had been clearly convicted of the most atrocious crime which could be committed in any country—that of meditating the destruction of a Sovereign, who was one of the best, the most just, upright and amiable of Princes that ever graced a Throne ; and he could not conceive what were the motives that could actuate any man to wish for the death of such a person. The prisoner was also found guilty of conspiring to overturn the Constitution of these kingdoms—a Constitution which, from the experiment of ages, had been found to be the best calculated of any that ever existed in the world, to secure the liberty, security and happiness of the people who lived under it. These atrocious crimes became still greater from the manner in which they had been intended to be perpetrated—that of inviting a foreign enemy to come and invade, and conquer these countries. Those people who had thought such an event a desirable one, ought to think seriously what the consequences of it would be, provided it was possible to be accomplished. Did they suppose that (desperate as their present situation might be) their condition would be bettered by having their country put into the possession of people who were holding out the delusive hopes of what they called liberty to other nations ? Could such persons hope that they themselves should enjoy liberty, even supposing the conquerors to have enjoyed as free a constitution as any in the world ? No ! they would become suspected, be despised, and ultimately

mately destroyed by them. A celebrated writer, (Montesquieu) very justly observed upon this subject, that a country conquered by a democratic nation, always enjoyed less liberty, was more miserable, and more enslaved, than if that country happened to have been conquered by a nation whose government was monarchical. But if there was any illustration of this observation wanting, one had only to look to the conduct of the French at this moment towards Holland, Italy, Switzerland, and every other country they had conquered. His Lordship believed that the prisoner might have been actuated by motives similar to those which used formerly to induce many people to think, that the killing of men of a different religion would give them a claim to canonization. But though the motives might be similar, the subjects connected with them were very different. In the present times, he did not believe that any person entertained such sentiments about religion. On the contrary, he was sorry to find that religion was too much neglected, and that the peace and tranquillity of numbers of people were destroyed, in consequence of having lost all belief in a Providence, and abandoned all hopes of a future state. He was afraid that the prisoner had been infected with this infidelity, and if he was, he (the Judge) prayed that the Almighty God, in his infinite mercy and goodness, would change his heart, and cause him to repent him of his sins. His Lordship then, in a solemn and awful manner, passed the sentence on the prisoner, who had listened attentively to the above address; and after it was concluded, bowed respectfully to the court. He did not appear to be at all agitated, but on the contrary, firm and serene.

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